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GENERAL PROVISIONS

§ 113.001 TITLE.

These regulations shall be known as the “Rental Housing Code of the City of Dayton”.
(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.002 SCOPE AND PURPOSE.

(A) *Scope.*

(1) *Exempt from rental license.* Rest homes, convalescent homes, nursing homes, hotels, motels, single family homes which are occupied by the homeowner with one

dwelling unit, and units rented, let or leased to direct family members of the property owner.

(2) *Required rental license.* The provision of this chapter shall apply to all buildings or portions thereof used, or designed or intended to be rented, leased, or let for human habitation. All provisions of this chapter shall apply to dwellings in existence at the time of adoption of this chapter.

(B) *Purpose.* The purpose of this chapter 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 chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter.

(C) *Application to existing buildings.* Additions, alterations or repairs, shall be done in compliance with the Building, Fire, Plumbing and Mechanical Codes. Applicable permits shall apply as required by these codes.

(D) *Certification.* Properties not existing as rental property at the time of adoption of this chapter and afterward becoming rental property shall, before being certified, comply with all terms of this chapter. Properties pre-existing as rental property at the adoption of this chapter shall be allowed a reasonable time to comply. Reasonable time being defined as 60 days from adoption. Extensions of the 60 days can be requested by written explanation to the city or city designee.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APARTMENT BUILDING. A building or portion of a building that contains five or more dwelling units.

BUILDING CODE. The Minnesota State Building Code.

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

CONDEMN. Shall mean to adjudge unfit for occupancy.

CONGREGATE RESIDENCE. Any building or portion thereof that contains facilities for living, sleeping and sanitation, as required by this chapter, 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.

DORMITORY. A building, as at a college, containing a number of private or semi-private rooms for residents, usually along with common bathroom facilities and

recreation areas. A room containing a number of beds and serving as a communal sleeping quarters, as in an institution, fraternity house, or passenger ship.

DWELLING. 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. 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. A dwelling unit containing only one habitable room and meeting the requirements of §§ [113.040](#) and [113.041](#).

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

ELECTRICAL CODE. The Minnesota State Electrical Code.

EXTERMINATION. 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.

FAMILY MEMBER. Includes parents, spouses, siblings, children, or an individual related by blood whose close association is an equivalent of a family relationship. It can contain others connected by birth, adoption, marriage, civil partnership, or cohabitation, such as grandparents, great-grandparents, grandchildren, great-grandchildren, aunts, uncles, siblings-in-law, half-siblings, cousins, adopted children and step-parents/step-children, and cohabitating partners.

FIRE CODE. The Minnesota State Fire Code.

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

HABITABLE ROOM. 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. The legally designated health officer or official of the state, county and/or city.

HEARING OFFICER. The hearing shall be before any member of City Council acting as the Hearing Officer, or an individual designated by the City Council to act as Hearing Officer. The Hearing Officer is authorized to hear and decide any controversy relating to administrative offenses covered by this chapter.

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

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

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

LET. 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. 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.

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

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

OCCUPANT. 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 five persons, any two 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. 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. The State of Minnesota Plumbing Code.

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

PREMISES. The dwelling and its land and all buildings thereon and areas thereof.

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

RENT. 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. 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. 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. The condition of being reasonably free from danger and hazards, which may cause injury or illness.

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

SUBSTANDARD PROPERTY CONDITION CITATION. Shall be issued in the event of a substandard building and shall, upon posting of the citation, prohibit the occupancy of the building until such time as corrections are made and verified by inspection

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

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

RENTAL HOUSING LICENSE

§ 113.020 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. 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 three months in duration in order to bring the unit into compliance with this chapter.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.021 ISSUANCE.

The city 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 chapter; 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 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 chapter.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.022 RENEWALS.

A rental housing license shall expire June 30 of the second year after issuance. Re-inspection of all dwellings, dwelling units or rooming units shall be required prior to issuance of a new certificate. 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 60 days prior to the expiration date of the license.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.023 REVOCATION.

A rental housing license may be suspended or revoked as prescribed in this chapter.

(A) Every license or permit issued under this chapter 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 chapter or any other city code provisions, or any permit issued by the city or the laws of the State of Minnesota.

(B) The license may be suspended or revoked by the City Council after written notice is sent 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 days from the date of the notice.

(C) At such hearing before the City Council, the license holder or their attorneys may submit information on their behalf that is relevant to the grounds for suspension or revocation.

(D) 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.024 FEES.

A rental housing license-inspection fee as established by the City Council.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.025 ADDITIONAL FEES.

The city shall have the right to bill or to assess the responsible party for additional costs associated with:

(A) Required additional follow up rental inspections, beyond the prescribed number allowed, for a single rental inspection cycle.

(B) Failure of the responsible party to appear for a scheduled inspection without prior notification of the inspector.

(C) After hour, weekend or holiday inspections.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.026 TRANSFER OF RENTAL PROPERTY.

Upon the sale and transfer of title of housing rental property, an inspection of the property shall automatically be required for the issuance of a rental property permit to the new owner for the stated property. It shall be the responsibility of the purchasing party to notify the city within 30 days of the closing of the transaction and to request an inspection.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see [§ 113.999](#)

§ 113.027 COMPLAINT INSPECTIONS.

The code official or housing inspector shall inspect a unit upon receiving a legitimate complaint. Complainant's name shall be kept confidential pursuant to the Minnesota Data Practices Act. Upon inspection and finding a violation the inspector shall notify the owner, manager or tenant in writing to correct the violation. The owner or manager may request an advisory inspection of a unit.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.028 LICENSE POSTING.

Every registrant of a rental dwelling shall post the annual license issued by the City Manager. The annual license shall be conspicuously posted (in a frame with a glass covering) by the registrant, in a public corridor, hallway, or lobby of the rental dwelling for which they are issued. In a single-family home, the license should be posted in a way that doesn't take away from general appearance of the residence but should be accessible to view by city designee and renters.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see [§ 113.999](#)

§ 113.029 LICENSING PERIOD DEADLINE.

The licensing period deadline shall be June 30. All properties required to be licensed by this chapter shall have applied for licensing with the city office, shall have paid the

required fee or fees, and shall have satisfactorily completed the required rental housing inspection by the deadline date. Failure to comply with this chapter could result in fines and/or denial of a rental housing license for the property in violation.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.030 DISORDERLY BEHAVIOR AT LICENSED DWELLING UNITS.

For the purpose of this chapter, disorderly behavior includes, but is not limited to, the following:

(A) *Illegal drug-related activity.* **ILLEGAL DRUG-RELATED ACTIVITY** means the illegal possession, manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell or distribute a controlled substance (as defined in the Controlled Substance Act, 21 U.S.C. 802, as amended) or possession of drug paraphernalia (as defined in M.S. 152.092, as it may be amended from time to time). For purposes of this chapter, an occupant shall be deemed to be in possession of a controlled substance if any amount is located in the licensed dwelling unit even if the occupant claims not to know the controlled substance was present;

(B) Acts of violence or threats of violence by occupants or guests of occupants, including without limitation discharge of firearms, prostitution, intimidation or any other acts that threaten or jeopardize the health, safety or welfare of others or create a reasonable belief in others that their health, safety or welfare is being threatened or jeopardized;

(C) Violation of M.S. 609.72, as it may be amended from time to time (disorderly conduct);

(D) Violation of M.S. 609.74 and 609.745, as they may be amended from time to time (public nuisance);

(E) Violation of M.S. 609.66, Subd. 1a, 609.67 or 624.713, as they may be amended from time to time (unlawful use or possession of a firearm or weapon);

(F) Violation of M.S. 609.50, as it may be amended from time to time (obstructing legal process);

(G) Violation of § [130.04](#) of this code of ordinances (public nuisance);

(H) Violation of [Ch. 131](#) of this code of ordinances (firearms);

(I) Violation of § [130.08](#) of this code of ordinances (noise);

(J) Violation of M.S. 609.53, as it may be amended from time to time (receiving or selling stolen property); and

(K) Violation of § [130.10](#) of this code of ordinances (Fire Code relating to fireworks).

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.031 ENFORCEMENT.

(A) *First instance.* The code official shall, upon receiving notice of the first occurrence of disorderly behavior, notify in writing by certified and first class mail the licensee and tenant of the violation and direct the licensee to take steps to prevent further disorderly behavior.

(B) *Second instance.* If, after notification, but less than one year from the date of first notice, a second instance of disorderly behavior occurs at a dwelling unit covered by the same license, the code official shall notify in writing by certified and first class mail to the licensee and the tenant of the violation and direct the licensee to submit to the code official, within ten days of the date of the notice, a written report of all actions taken by the licensee since the first violation notice and actions the licensee intends to take to prevent further disorderly behavior.

(C) *Third instance.* If, after notification, but less than one year from date of second notice, a third instance of disorderly behavior occurs at a dwelling unit covered by the same license, the rental license may, following an opportunity for the licensee to be heard by the City Council, be revoked, suspended or not renewed by the City Council upon the recommendation of the code official. In buildings containing more than one dwelling unit, the revocation, suspension, denial or non-renewal may apply to one or more dwelling units at the discretion of the City Council. The code official shall submit his or her written recommendation for action to the City Council and licensee by certified and first class mail within 20 days of receiving notice of the third instance of disorderly behavior.

(D) *Postponing license action.*

(1) An action to suspend or revoke a rental license may be stayed during the period in which a licensee is actively, diligently, in good faith and without delay pursuing an unlawful detainer action against tenants of the licensed dwelling unit if the removal of those tenants, in the opinion

of the code official, will cure the violations for which action to revoke or suspend the rental license has been recommended to the City Council.

(2) In such cases, the licensee may be allowed a reasonable time to complete the eviction process, but not more than 60 days from the date of the third instance of disorderly behavior.

(E) *Determining disorderly behavior.* A determination that the licensed dwelling unit has been the location of disorderly behavior shall be made by the code official after review of the evidence. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly behavior, nor shall the fact of dismissal or acquittals of such criminal charges operate as a bar to adverse license action under this chapter.

(F) *Remedies not exclusive.* The criminal and civil remedies provided in this chapter are not exclusive, and the City Council may take any action with respect to a licensee,

tenant, occupant or the licensed premises as is authorized by this code of ordinances or laws of the state.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

SPACE AND OCCUPANCY STANDARDS

§ 113.040 ROOM DIMENSIONS.

Room dimensions shall comply with the following requirements;

(A) *Ceiling heights.* Habitable space shall have a ceiling height of not less than seven feet measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches on center, ceiling height shall be measured to the bottom of these members. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room measuring less than five feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

(B) *Floor area.* Dwelling units and congregate residences shall have at least one room for common living area that shall have not less than 120 square feet of floor area. Rooms used for sleeping purposes by one person shall have an area of not less than 70 square feet. Where more than one person occupies a room used for sleeping purposes, the required floor area shall be 50 square feet for each occupant.

(C) *Width.* No habitable room other than a kitchen shall be less than seven feet in any dimension. All room dimensions will follow building code at the time of construction; if no codes were in effect, it will follow general construction practice at the time of construction.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.041 KITCHEN.

(A) 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:

(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. Sinks shall be of nonabsorbent materials.

(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 45°Fahrenheit but more than 32°Fahrenheit under ordinary 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.

(3) Cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or cooking appliance shall not be permitted to be present in a rooming unit or dormitory unit.

(B) All kitchen requirements will follow building code at the time of construction; if no codes were in effect, it will follow general construction practice at the time of construction.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.042 LIGHTING.

(A) All enclosed portions of the dwelling unit customarily occupied by human beings shall be provided with natural light by means of exterior glazed openings with an area not less than 1/8 of the total floor area, or shall be provided with artificial light. Such openings shall open directly onto a public way or a yard or court.

(B) Public hallways, corridors, stairways and other exit facilities shall be adequately lighted. All lighting will follow building code at the time of construction; if no codes were in effect, it will follow general construction practice at the time of construction.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.043 VENTILATION.

Guestrooms and habitable rooms within a dwelling unit shall be provided with natural ventilation by means of openable exterior openings with an area of not less than 4% of the floor area of such rooms with a minimum of four square feet. Exterior openings for natural ventilation shall be provided with tight fitting insect screens. Bathrooms, water closet compartments and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than 4% of the floor area of such rooms with a minimum of 1-1/2 square feet. In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub, shower or combination thereof; and similar rooms, a working mechanical ventilation system connected directly to the outside. All ventilation will follow building code at the time of construction; if no codes were in effect, it will follow general construction practice at the time of construction.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.044 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.

(A) *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.

(B) *Rooming units.* Where private water closets are not provided, there shall be provided at least one bathroom accessible from a shared hallway.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see [§ 113.999](#)

§ 113.045 BATHROOM ACCESSIBILITY.

Where bathrooms are shared by rooming units by occupants of a dwelling unit, the bathroom shall be located so that tenants of one rental unit do not have to pass through another rental unit to use the facility.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.046 ROOM SEPARATIONS.

Every water closet, bathtub or shower required by this chapter 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.047 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

STRUCTURAL REQUIREMENTS

§ 113.055 STRUCTURAL REQUIREMENTS.

All existing structural components in roofs, floors, walls and foundations are deemed acceptable provided that in the opinion of the code official such components have been properly maintained and do not make the building hazardous as defined by M.S. § 463.15, Subd. 3, as it may be amended from time to time.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

MECHANICAL, ELECTRICAL AND PLUMBING REQUIREMENTS

§ 113.060 HEATING.

(A) Dwelling units and guestrooms shall be provided with heating appliances capable of maintaining a room temperature of 68 degrees Fahrenheit at a point three 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 will follow building code at the time of construction; if no codes were in effect, it will follow general construction practice at the time of construction.

(B) All heating devices or appliances shall be of an approved type.

(1) *Chimneys and vents.* Every fuel-burning appliance shall discharge the products of combustion to a vent, factory-built chimney, masonry chimney or a chimney or vent that is approved by the appliance manufacturer. Chimneys or vents shall be designed for the type of appliance being vented.

(2) *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(3) *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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.061 ELECTRICAL.

The electrical service, lines, switches, outlets, fixtures and fixture coverings, and support 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.

(A) *Electrical equipment.*

(1) 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. All electrical will follow building code at the time of construction; if no codes were in effect it will follow general construction practice at the time of construction.

(2) 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.

(B) *Switches and outlets.* Every habitable room shall be provided with at least one switched ceiling or wall light and one dual outlet.

(1) Every water closet compartment, bathroom, laundry room and furnace room shall contain at least one electrical light fixture and one convenience outlet.

(2) Outlets within six feet of a sink or bathtub shall be ground fault interrupted (GFI) outlets.

(C) *Hazardous electrical wiring.* Electrical wiring that was installed in violation of ordinance 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.062 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.

(A) *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. All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material. All plumbing will follow building code at time of construction; if no codes were in effect it will follow general construction practice at time of construction.

(B) *Plumbing system leaks.* Leaking drain or supply lines shall be repaired or replaced. All unsafe conditions shall be corrected.

(C) *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.

(D) *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. Hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(E) *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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

MEANS OF EGRESS

§ 113.070 GENERAL.

Dwelling units or rooming units shall have access directly to the outside or to a common hallway or public corridor with egress to the outside. An exit shall not pass through a hazardous area such as a furnace room, boiler room, storage room, garage or similar areas. All general requirements will follow building code at the time of construction; if no codes were in effect, it will follow general construction practice at the time of construction.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.071 MEANS OF EGRESS SYSTEM.

Means of egress system shall be deemed as meeting the intent of this chapter, provided that the means of egress system or systems is evaluated by the code official and judged to be equivalent to the exit means of egress system that was required by the Code under which the building was constructed or equivalent provisions of the currently adopted Fire Code. This includes, but not limited to, number of exits, separation of exits, egress illumination, emergency egress illumination, emergency exit signage and illumination, corridors, corridor doors, and egress travel distance.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.072 OBSTRUCTION OF EGRESS.

Means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous. All egress routes shall be properly maintained in a safe manner. A clear and unobstructed means of access with a minimum width of 30 inches and a minimum height of 78 inches shall be maintained from the operating face of an electrical service panel, meter or switchboard. Tenants shall at all times have free access to the service panel for their dwelling unit. All obstruction of egress requirements will follow building code at the time of construction; if no codes were in effect, it will follow general construction practice at the time of construction.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.073 ESCAPE WINDOWS.

Sleeping rooms below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools or special knowledge and shall open directly onto a public way or a yard or court located on the same lot as the building.

(A) *Escape window requirements.* An escape window from a sleeping room shall have a minimum net clear opening of five square feet. The minimum net clear opening height shall be 24 inches and the minimum net clear opening width shall be 20 inches.

The finished sill shall not be more than 48 inches above the floor. If necessary to add a window, the new window shall meet the requirements of the Building Code for a new escape window.

(B) *Replacement escape windows.* When replacing an existing escape window, the replacement window shall meet the minimum requirements of an escape window as defined in this chapter.

(C) *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.

(D) *Inadequate exits.*

(1) Except for those buildings or portions thereof that have been provided with adequate exit facilities conforming to the provisions of this chapter, buildings or portions thereof whose exit facilities were installed in violation of ordinance 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.

(2) 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, or when other conditions exist that are dangerous to human life. All escape windows will follow building code at the time of construction; if no codes were in effect, it will follow general construction practice at the time of construction.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

LIFE SAFETY

§ 113.080 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 chapter and the Fire Code.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.081 SMOKE DETECTORS AND CARBON MONOXIDE DETECTORS.

(A) *Installation and location of smoke detectors.* Single station smoke detectors shall be installed on each floor and basement. A detector shall also be located in each bedroom. The inspector may require additional smoke detectors where additional protection may be required.

(B) *Installation and location of carbon monoxide detectors.* Carbon monoxide detectors shall be installed within ten feet of all bedrooms.

(C) *Power supply.* The power supply can be either by battery operation or by the building wiring with battery backup.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.082 FIRE EXTINGUISHERS.

(A) All rental units shall be equipped with a fire extinguisher with a minimum rating of 2A 10BC. The extinguisher shall be located within the individual dwelling unit or in a common hallway or corridor within 50 feet of the dwelling unit door.

(B) Fire extinguishers shall be serviced at least annually or as required by the code official. A tag with the name of the servicing company and the service date shall be affixed to the extinguisher and shall remain affixed until the next servicing.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.083 FIRE SPRINKLER SYSTEMS AND FIRE ALARM SYSTEMS.

All existing fire sprinkler systems and fire alarm systems shall be maintained in accordance to the current Fire Code.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.084 INADEQUATE FIRE-PROTECTION OR FIRE-FIGHTERS' 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 chapter, 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

GENERAL BUILDING REQUIREMENTS

§ 113.090 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.091 HANDRAILS.

(A) Stairways having four or more risers shall have a continuous full-length handrail on at least one side. The handrail shall be mounted no less than 34 inches nor more than 38 inches above the nosing of the stair treads.

(B) The handgrip portion of the handrail shall not be less than 1-1/2 inch and no more than two inches in cross-sectional dimension. The ends of the handrails shall be returned to the walls.

(C) Stairways that are 66 inches in width or more require handrails on both sides.

(D) Existing handrails that are not deemed to be hazardous by the code official or housing inspector are allowed to remain as they are.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see [§ 113.999](#)

§ 113.092 GUARDRAILS.

(A) Unenclosed floor and roof openings, open sides of stairways, landings, decks, balconies, porches or occupied roofs which are more than 30 inches above the grade or floor below shall be protected by a guardrail.

(B) Guardrails shall be a minimum of 36 inches high.

(C) Open railings shall have intermediate rails, spindles or an ornamental pattern such that a four-inch sphere cannot pass through. When approved by the code official, the spacing between intermediate railings or openings in existing ornamental patterns may be accepted.

(D) Existing guardrails that are not deemed to be hazardous by the code official or code official are allowed to remain as they are.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see [§ 113.999](#)

§ 113.093 REFUSE.

The property owner, tenant (through lease agreement), 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 a 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, tenant through lease agreement, 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 be stored in a neat and orderly manner not to take away from adjoining neighbors. Containers with a capacity of 1.5 cubic yards or more shall not be stored in a building or within five feet of combustible walls, opening or combustible roof eaves.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.094 UNUSED OR DISCARDED ITEMS.

Discarded, unused and junk appliances, furniture, mattresses and other items shall be removed from the property.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.095 STORAGE OF ITEMS.

Large amounts of combustible items and materials shall not be stored in attics or basements. Storage shall be maintained two feet or more below ceilings and floor joists. Combustible materials and items shall not be stored within one foot of any fuel burning appliances. Storage of items shall be orderly and shall not block or obstruct exits. A minimum three-foot aisle shall be maintained to all exits, furnaces, water heaters, water meters, gas meters or other building service equipment.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.096 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.097 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.098 EXCESSIVE CLUTTER.

Buildings, occupancies or rooms where the state of order or clutter is such that a health, safety, fire or egress issue exists, shall be deemed substandard as defined by this chapter.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

EXTERIOR BUILDING REQUIREMENTS

§ 113.105 GENERAL.

(A) Any building or portion thereof that is determined to be an unsafe building in accordance with this chapter, 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.

(B) 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.106 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.107 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.108 WEEDS.

All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.109 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.110 ACCESSORY STRUCTURES.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.111 MOTOR VEHICLES.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked or stored on any premises, and no vehicle shall at any time in a state of major assembly, disrepair, or in the process of being stripped or dismantled be parked or stored outside of a fully enclosed garage or approved outbuilding. Painting vehicles is prohibited unless conducted inside an approved spray booth.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.112 DEFACEMENT OF PROPERTY.

Should the exterior surface of any rental property subject to this section be defaced, it shall be the responsibility of the building owner to restore the surface to an approved state of maintenance and repair.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.113 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:

- (A) Deteriorated, crumbling or loose plaster.
- (B) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
- (C) 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.
- (D) Broken, rotted, split or buckled exterior wall coverings or roof coverings.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.114 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

§ 113.115 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see § [113.999](#)

NOTICE AND ORDERS OF THE CODE OFFICIAL

§ 113.125 COMPLIANCE ORDER.

(A) *General.* The code official shall prepare a compliance order, listing all violations and the date or dates when such violations shall be corrected. 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.

(B) *Sequence of enforcement and penalty criteria.* Upon completion of an initial rental housing inspection and subsequent re-inspection, with appropriate and documented notification of the property owner or agent, a property is found to remain in a state of non-compliance, the property owner or agent shall be given written notification of the remaining infraction(s) and shall be informed of the following:

(1) The exact date and time of the second follow up inspection not to exceed 14 days from the first inspection.

(2) Upon completion of the second follow up inspection:

(a) If the infraction(s) have been satisfactorily addressed or corrected the city will, at their discretion, levy a re-inspection fee to cover the cost of the second follow up inspection. The fee will be set by resolution of the City Council.

(b) If the infractions remain, a fine under § [113.999](#) (B)(3)(a) may be imposed resulting in required re-inspection at a fee set in fee schedule ordinance.

(c) The re-inspection fee must be paid in full to the city and satisfactory re-inspection must be completed within 14 days or, pursuant to § [113.020](#), the city shall have the right to revoke or deny licensing the property as rental housing property.

(d) The property owner or agent shall be notified in writing of under § [113.135](#) indicating his or her right of appeal.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.126 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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.127 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 chapter, deemed substandard.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

APPEAL

§ 113.135 APPEAL.

Any person may appeal from any notice and order or any action of the code official under this chapter by filing an appeal to the city. A written appeal to the city shall include a brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.136 TIME ALLOTTED FOR APPEAL.

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

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.137 SCHEDULING AND NOTICING APPEAL FOR HEARING.

The City Council shall establish a Hearing Officer. The Hearing Officer shall establish policies and procedures as to when and where, and how appeals will be heard per [§ 10.98](#) of Zoning Code. The Hearing Officer shall not have the authority to override any section or provision of this chapter.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.138 AUTHORITY.

The building official is hereby authorized and directed to enforce or cause the enforcement of all of the provisions of this chapter. For such purposes, the building official or his or her designated representative shall have the powers of a code official. The code official shall have the power to render interpretations of this chapter. Such interpretations shall be in conformity with the intent and purpose of this chapter.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.139 RIGHT OF ENTRY.

When it is necessary to make an inspection to enforce the provisions of this chapter, 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 chapter, 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 chapter, provided that if such building or premises are occupied that credentials be presented to the occupant and entry requested. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official or housing inspector shall have recourse to the remedies provided by law to secure entry.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.140 RESPONSIBILITIES DEFINED.

Owners remain liable for violations of duties imposed by this chapter 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 chapter.

(A) 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 division, the building may be re-inspected.

(B) 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.

(C) Owners shall, when required by this chapter, 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.

(D) Occupants of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling of dwelling unit or premises which they occupy and control, shall properly dispose of their recyclables, rubbish, garbage and other organic waste.

(E) Occupants shall, when required by this chapter or city ordinance furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see [§ 113.999](#)

§ 113.141 SUBSTANDARD BUILDINGS.

Buildings or portions thereof that are determined to be substandard as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.142 SUBSTANDARD PROPERTY CONDITION.

(A) When, during the course of a rental housing inspection or complaint investigation, the inspector encounters or observes a condition or conditions that are considered dangerous to life, safety, health, or the welfare of the occupants, the inspector shall, if the situation warrants, issue a substandard property condition citation.

(B) Prior to, or immediately after, the issuance of the substandard property condition citation, the inspector will be required to notify the city of the posting and the reason for the posting.

(C) The inspector shall have the authority to require immediate evacuation of the premises in the event of immediate danger to life or safety.

(D) The removal or defacing of, or tampering with, a substandard property condition citation posting shall be punishable as a criminal offense and subject to the provisions of state statutes regulating misdemeanors and as outlined in this chapter.

(E) The property shall remain unoccupied until such time as the condition is, or conditions are, corrected and satisfactorily re-inspected.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.143 APPEALS.

Any person aggrieved by an order, requirement, decision or determination made by the code official or housing inspector pursuant to this chapter may, within ten days of the decision, appeal to the City Administrator designee in accordance with §§ [113.135](#) et seq.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)

§ 113.144 PROHIBITED ACTS.

At the discretion of the city, property owners and/or tenants found to be in violation of any of the following provisions may be subject to both civil and/or misdemeanor criminal charges.

(A) *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.

(B) *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.

(C) *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.

(D) *Occupying vacated unit.* Occupies or allows occupancy of a unit that was posted and ordered vacated.

(E) *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.

(F) *Tampering or non-functioning smoke detector.*

(1) *Disabling smoke detector.* Any occupant, owner or manager of a dwelling or rooming unit who willfully disables a smoke detector or causes it to be non-functioning is guilty of a misdemeanor. If the unit is occupied by more than one tenant, each tenant shall be held accountable.

(2) *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.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019) Penalty, see [§ 113.999](#)

§ 113.999 PENALTY.

(A) *Criminal.* A violation of any provision of this chapter is a misdemeanor. The maximum penalty is 90 days jail and/or \$1,000 fine. Each day the property is in violation is a separate violation.

(B) *Civil.* Whenever it is determined by the code official that any property upon inspection there is found alleged violations, 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 chapter within the time period as set forth:

(1) *Smoke detector violations.* Corrections must be completed immediately and re-inspected within three working days.

(2) *All other violations.* Preparations for the actual work for correcting the alleged violations shall be commenced immediately and work re-inspected within 25 working days or within the time period as specified by the code official.

(3) (a) *Penalties.* The following penalties shall be imposed upon the property owner(s) if the alleged violations are not corrected and verified by the code official within the time period allowed by this chapter:

(b) *Fine.* Fifty dollar fine. An additional charge of \$50 per day commencing on the day that the alleged violation or violations continue after the expiration of the specified reasonable consideration period as established by this chapter and extending thereafter until the violation or violations are verified by the code official.

(4) *Extensions.* Extensions may be granted by the code official. The request shall be made in writing and justifiable cause is 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.

(5) *Orders after an appeal.* After any order of the code official or the housing appeals board made pursuant to this chapter 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 fines as stated in this code or as specified by the Appeals Board.

(Ord. 2018-18, passed 2-28-2018; Ord. 2019-07, passed 6-11-2019)