

## **SECTION 9.11. RENTAL HOUSING.**

**Subd. 1. Purpose.** The purpose of this section is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, construction and maintenance of all residential rental buildings and structures within the City. The provisions contained herein are in addition to other applicable provisions of the City Code and not in lieu thereof. Any provisions contained herein which are inconsistent or in conflict with any other provision of the City Code shall supersede such other provisions.

**Subd. 2. Scope.** The provisions of this Section shall apply to all rental buildings. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this Section shall apply to the separate portions as if they were separate buildings.

### **Subd. 3. Enforcement.**

- A. **Authority.** The Administrative Authority is hereby authorized and directed to enforce all of the provisions of this section.
- B. **Right of Entry.** Whenever necessary to make an inspection to enforce any of the provisions of this Section, or whenever the Administrative Authority or an authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Administrative Authority or an authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Administrative Authority by this Section. If such building or premises is occupied, the Administrative Authority or representative shall first present proper credentials and request entry; if such building or premises is unoccupied, a reasonable effort shall be made to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Administrative Authority or representative shall have recourse to every remedy provided by law to secure entry.
- C. **Substandard Buildings.** All rental buildings or portions thereof which are determined to be substandard as defined in this Section constitute a violation of this Section and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified in Subdivision 10 of this Section.
- D. **Modifications.** Whenever there are practical difficulties involved in carrying out the provision of this Section, the Administrative Authority may grant modifications for individual cases, provided that the modification is in conformity with the intent and purpose of this Section and that such modification does not reduce the level of any fire-protection requirements or structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the Administrative Authority.
- E. **Building Code Board of Appeals.** Appeals of orders, decisions or determinations made by the Administrative Authority relative to the application and interpretation of this Section shall be heard and decided by the Building Code Board of Appeals. The procedures for review or appeal shall be those set forth in Subdivision 11 of this Section.
- F. **Violations.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, rent or let to another, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Section.

**Subd. 4. Definitions.** For the purpose of this Section, certain terms, phrases, words and their derivatives shall be construed as specified in either this section or as specified in the Uniform Building Code.

- A. "Administrative Authority" is the Fire Chief, the Building Official or their designee.
- B. "Apartment house" is any rental building which is intended or designed to be occupied or which is occupied as the home or residence of three (3) or more families living independently in separate dwelling units and doing their own cooking in the rental building.
- C. "Building Code" is the Minnesota State Building Code adopted by the City.
- D. "Dwelling" is any rental building which is not an apartment house, lodging house or a hotel and which contains one or more dwelling units.
- E. "Dwelling unit" is a single unit situated within a rental building providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- F. "Efficiency dwelling unit" is a dwelling unit containing only one (1) habitable room and meeting the requirements of Section 1208 of the Building Code.
- G. "Family" is an individual or two (2) or more persons related by blood, marriage or adoption, including foster children and bona fide domestic servants employed on a full-time basis.
- H. "Guest room" is a habitable space in a hotel or lodging house designed or intended to be used or occupied or which is used for sleeping purposes by guests.
- I. "Habitable space" is a space or room in a rental building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.
- J. "Hotel" is any rental building or portion thereof containing six (6) or more guest rooms.
- K. "Hot water" is water supplied to plumbing fixtures at a temperature of not less than 110 degrees F.
- L. "Lodging house" is any rental building containing not more than five (5) guest rooms.
- M. "Rental building" is any building or structure or portion thereof used, designed, or intended to be used for human habitation and for which use the owner receives, is entitled to receive or will receive consideration in the form of money, goods, labor, or otherwise. Consideration does not include compensation received by a family member from another family member living in the same dwelling unit.

**Subd. 5. Owner and Occupant Responsibilities.**

- A. Owner.
  - 1. Owners of rental buildings shall construct and maintain said buildings in accordance with the requirements of this Section.
  - 2. No persons shall willfully or wantonly damage, mutilate or deface any exterior surface of any rental building by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the owner to restore said surface to an approved professional state of maintenance and repair.
  - 3. No person shall let to another for occupancy any rental building or dwelling unit which does not comply with the applicable fire prevention provisions.
- B. Occupants.

1. Each occupant of a rental building shall keep in a clean and sanitary condition that part of the dwelling unit and premises thereof which that person occupies or controls.
2. Every occupant of a rental building shall dispose of garbage and rubbish in a clean and sanitary manner by placing it in the disposal facilities.
3. No person shall occupy any rental building or dwelling unit which does not comply with the applicable fire prevention provisions.

**Subd. 6. Space and Occupancy Standards.**

**A. Light and Ventilation.**

1. Each habitable space in a rental building shall be provided with:
  - (a) Natural light by means of exterior glazed openings with an area not less than one-tenth of the floor area of such rooms with a minimum of ten (10) square feet, and
  - (b) Natural ventilation by means of openable exterior openings with an area of not less than one-twentieth of the floor area of such rooms with a minimum of five (5) square feet.
2. Bathrooms, water closet compartments, laundry rooms and similar rooms within a rental building shall be provided with natural ventilation by means of openable exterior openings having an area not less than one-twentieth of the floor area of such rooms with a minimum of 1-1/2 square feet, except that a window shall not be required in such spaces equipped with a mechanical ventilation system.
3. Exterior glazed openings required for natural light and exterior openings required for ventilation shall open directly to the outside. Windows may open into a roofed porch where the porch:
  - (a) Abuts a street, yard, or court; and
  - (b) Has a ceiling height of not less than seven (7) feet; and
  - (c) Has the longer side at least sixty-five percent (65%) open and unobstructed.
4. For the purpose of determining light and ventilation requirements, any habitable space may be considered as a portion of an adjoining habitable space when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or twenty-five (25) square feet, whichever is greater.
5. Mechanical Ventilation. In lieu of exterior openings for natural ventilation, a mechanical ventilation system connected directly to the outside may be provided.
  - (a) Such system shall be capable of providing two (2) air changes per hour for each room in habitable space. One-fifth of the air supply shall be taken from the outside.
  - (b) In bathrooms, water closet compartments, laundry rooms and similar rooms a mechanical ventilation system capable of providing five (5) air changes per hour shall be provided.

**B. Sanitation.**

1. Dwelling Units and Lodging Houses. Every dwelling unit and every lodging house shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.
2. Hotels. Where private water closets, lavatories and baths are not provided in a hotel, there shall be provided on each floor for each sex at least one (1) water closet and lavatory and one (1) bath accessible from a public hallway. Additional water closets, lavatories and baths shall be provided on each floor for each sex at the rate of one (1) for every additional ten (10) guests, or fractional number thereof in excess of ten (10). Such facilities shall be clearly marked for "Men" or "Women."
3. Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Wooden sinks or sinks of similarly absorbent material shall not be permitted.
4. Fixtures. All plumbing fixtures in rental buildings shall be connected to a sanitary sewer or to an approved private sewage disposal system. Said 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. Said plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.
5. Room Separations. Every water closet, bathtub or shower required by this section shall be installed in a room which will afford privacy to the occupant. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tight-fitting door.
6. Premises Identification. Building shall have approved address numbers, placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background and numbers shall be a minimum of 4 inches high.

**Subd. 7. Mechanical Requirements.**

- A. Heating. Each rental building shall be provided with heating facilities capable of maintaining a room temperature of sixty eight degrees F. in each habitable space at a point three (3) feet above the floor. Said facilities shall be installed and maintained in a functional and safe condition. Heat shall be supplied during the period of September 15<sup>th</sup> to May 15<sup>th</sup>. Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity.
- B. Electrical. Where there is electrical power available within three hundred (300) feet of any rental building, said rental building shall be connected to such electrical power. Every habitable room shall contain at least two (2) electrical convenience outlets or one (1) convenience outlet and one (1) electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one (1) electric light fixture.
- C. Ventilation. Where mechanical ventilation is provided in lieu of the natural ventilation required by Subdivision 5 of this Section, such mechanical ventilating system shall be maintained in operation during the occupancy of any rental building or portion thereof. Ventilation systems in parking garages under apartments shall be installed in conformance with the Building Code and maintained and operated as installed. The entire ventilation system must be maintained in proper working order at all times.

**Subd. 8. Building Interior.**

- A. Interior surfaces. Interior surfaces including windows and doors shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, and other defective surfaces shall be corrected.
- B. Interior Doors. Every interior door shall fit reasonably within its frame and shall be capable of being opened and closed by being properly attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.
- C. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally applied loads and shall be maintained in good condition in conformance with the code under which it was constructed.
- D. Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**Subd. 9. Exits.** Every dwelling unit or guest room shall have access directly to the outside or to a public corridor. Every guest room and habitable space intended for use as or used for sleeping shall have at least one (1) operable window or exterior door approved for emergency escape or rescue. Such doors or windows shall be operable from the inside to provide a full, clear opening without the use of separate tools.

**Subd. 10 Smoke Detectors.** Existing Group R occupancies not already equipped with single station smoke alarms shall be equipped with approved single station smoke alarms. Smoke detectors shall be installed on each floor of residential buildings in accordance with the Minnesota State Fire Code. Smoke Alarms shall be maintained in an operative condition at all times and shall be replaced or repaired when defective.

**Subd. 11. Substandard Buildings.**

- A. General. Any rental 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 following listed conditions 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 is declared to be a substandard rental building in violation of this Section.
- B. Inadequate Light and Ventilation. Inadequate light and ventilation shall include but not be limited to the following:
  - 1. Lack of, or improper operation of required ventilating equipment in a rental building.
  - 2. Lack of minimum amounts of natural light and ventilation required by this section.
  - 3. Lack of required electrical lighting in a rental building.
- C. Inadequate Sanitation. Inadequate sanitation shall include but not be limited to the following:
  - 1. Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit or lodging house.
  - 2. Lack of, or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel.
  - 3. Lack of, or improper kitchen sink in a dwelling unit.
  - 4. Lack of hot and cold running water to plumbing fixtures in a hotel.
  - 5. Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house.
  - 6. Lack of adequate heating facilities in a rental building.
  - 7. Dampness of habitable space.
  - 8. Infestation of insects, vermin or rodents.

9. General dilapidation or improper maintenance of a rental building.
  10. Lack of connection to required sewage disposal system.
  11. Lack of adequate garbage and rubbish storage and removal facilities as determined by the Administrative Authority.
  12. Presence of mold or other fungal growth.
- D. Structural Hazards. Structural hazards shall include but not be limited to the following:
1. Deteriorated or inadequate foundations.
  2. Defective or deteriorated flooring or floor supports.
  3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
  4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
  5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
  6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
  7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
  8. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration.
  9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
- E. Hazardous Electrical Wiring. Electrical wiring hazards shall include but not be limited to the following: Electrical wiring which was installed in violation of laws in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no laws were in effect or which has not been maintained in good condition or which is not being used in a safe manner.
- F. Hazardous Plumbing. Plumbing which was installed in violation of laws in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no laws were in effect or which has not been maintained in good condition or which is not free of cross-connections or siphonage between fixtures.
- G. Hazardous Mechanical Equipment. Mechanical equipment which does not comply with the mechanical requirements of this Section and which was installed in violation of laws in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no laws were in effect or which has not been maintained in good and safe condition.
- H. Faulty Weather Protection, which shall include but not be limited to the following:
1. Deteriorated, crumbling or loose plaster.
  2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
  3. Defective or insufficient weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
  4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.
- I. Faulty Materials of Construction. All materials of construction except those which are specifically allowed or approved under the applicable laws and which have been adequately maintained in good and safe condition.
- J. Hazardous or Unsanitary Premises. Premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or other conditions exist.

- K. Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

**Subd. 12. Notices and Orders of Administrative Authority.**

- A. Notice. Whenever the Administrative Authority determines that a rental building is a substandard building, or that any other violation exists under this Section, or that there are reasonable grounds to believe that a violation exists, notice shall be given to the person or persons responsible therefore. Such notice shall:
1. Be in writing.
  2. Include a description of the real estate sufficient for identification.
  3. Describe the conditions found to constitute the violation.
  4. Specify the remedial action required.
  5. Require that any permits necessary to effectuate remedial action be secured and the work physically commenced within twenty (20) days and completed within such time as the Administrative Authority shall determine is reasonable under the circumstances.
  6. State that a motion for summary enforcement of the order will be made to the District Court unless, within twenty (20) days, work is physically commenced or an answer is filed as provided for in Minnesota Statutes, 1990, Section 463.18.
- B. Emergency Orders. Whenever the Administrative Authority finds that an emergency exists in relation to the enforcement of the provisions of this Section which requires immediate action to protect the health, safety or welfare of occupants of any rental building, the Administrative Authority may issue an order reciting the existence of such emergency and requiring that such action be taken as deemed necessary to meet the emergency, notwithstanding any other provision of this Section. When any such emergency shall be declared to exist the Administrative Authority immediately shall report the same in writing to the city council. Every notice of emergency shall include the following language:

"If you do not comply with this Order by the above date, the City may remedy the violation and assess the costs to you or allow the occupants to make the repairs and deduct the expense from the occupant's rent."

**Subd. 13. Appeal.**

- A. Right to Appeal. Any person entitled to service under this Section may appeal from any notice and order served by the Administrative Authority. The appeal shall constitute an answer to the notice and order as provided for in Minnesota Statutes, 1990, Section 463.18.
- B. Procedure. Appeal shall be made to the Administrative Authority within fifteen (15) days after the notice and order is served. The appeal shall be made in writing and contain a brief statement of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
- C. Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the Administrative Authority shall fix a date, time and place for hearing of the appeal by the Building Code Board of Appeals. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the Board either by

causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

- D. Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of this Section shall constitute a waiver of the right to an administrative hearing and administrative adjudication of the notice and order or to any portion thereof.

**Subd. 14. Enforcement of the Order of the Administrative Authority or the Building Code Board of Appeals.**

- A. Compliance. After any order of the building official or Building Code Board of Appeals made pursuant to this Section shall have become 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.
- B. Failure to Obey Order. If, after any order of the Administrative Authority or Building Code Board of Appeals made pursuant to this Section has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Administrative Authority may (1) cause such person to be prosecuted under subsection 1 of this subdivision or (2) commence an appropriate action in District Court.

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