

CHAPTER 14
HOUSING AND BUILDING CODES

- 14.1 *Permits and Fees.* Issuance of permits and collection of fees shall be as authorized by Minnesota Statutes §16B.62, subd. 1. Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule adopted by the City pursuant to resolution.
- 14.2 *Prohibitions.* No person shall erect, construct, enlarge, alter, repair, move, improve, remove, construct or demolish, equip, use or occupy any building or structure in the City or cause the same to be done without a building permit, contrary to or in violation of any provisions of this Code or of any provision of this Ordinance Chapter.
- 14.3 *Setback Requirements.* No permit shall issue unless the building or structure, in its present form or as proposed for construction, meets the following setback requirements:
- (A) Five feet from the rear property line;
 - (B) Five feet from any side property line; and
 - (C) Twenty-five feet from the edge of the pavement on the front of the property. In the event there is no pavement, the distance shall be measured from the edge of the roadway as the City determines it to be.

Section - Rental Property

- 14.10 *Minimum Standards.* No person shall occupy or permit another person to occupy, any residential or non-residential structure, building, or premises, or any part thereof, which does not comply with the following requirements.
- Subd. 1.* The foundation, exterior walls, and exterior roof shall be substantially water tight and shall be kept in sound condition and repair. The foundation shall adequately support the building at all points.
- Subd. 2.* Every window, exterior door, and other exterior opening shall be substantially tight and shall be kept in sound condition and repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every openable window in a residential rental unit shall be supplied with screens of not less than 16 mesh per inch during the insect season and every openable window in a residential rental unit shall also be equipped with an appropriate lock.
- Subd. 3.* Every floor, interior wall, and ceiling shall be kept in sound condition and good repair. The floor of every toilet room, bathroom, and kitchen shall have a smooth, hard, nonabsorbent surface and shall be

capable of being easily maintained in a clean and sanitary condition.

- Subd. 4.* The building must have heating facilities which are properly installed, maintained in safe and good working condition, and capable of safely and adequately heating all rooms to a temperature of at least 65 degrees Fahrenheit. Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this subsection. Portable heating equipment employing flame and the use of liquid fuel does not meet the requirements of this subsection and is prohibited. 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.
- Subd. 5.* Every building shall be supplied with electric service, functioning over current protection devices, electric outlets, and electric fixtures which are properly installed, which are maintained in safe and good working condition.
- Subd. 6.* Within every building there shall be a non-habitable room which is equipped with a flush water closet in good working condition.
- Subd. 7.* Every stairway, balcony or deck, inside or outside of a building, shall be kept in safe and structurally sound condition.
- Subd. 8.* Ingress or egress shall be provided without passing through any other building.

14.12 *Existing Structures.* Any structure or building existing prior to the adoption of this section shall be deemed conforming if it was in conformance with all applicable laws and chapters when it was constructed or last reconstructed, remodeled, repaired, or altered. Unless a sooner timeline is required by this ordinance, all existing structures or units within the City shall be brought into conformance with this Section within two years. Any reconstruction, remodeling, repair, or altering of a structure or unit following adoption of this Section shall be in conformance with this Ordinance Section.

Section - General Building Provisions

14.20 *Vacant Buildings.* The owner of any building or any part thereof which is vacant for a period of 60 days or more, shall make the building and the premises safe and secure so as to not be hazardous to the health, safety, and welfare of the public and so as to not constitute a public nuisance. The premises of a vacant building shall be maintained in an appropriate manner including, but not limited to: mowing of yard areas; removal of weeds from parking areas, drives, medians, and landscaping; collection and removal of debris; and watering and maintaining landscaping and yard.

14.21 *Buildings Unfit for Human Habitation.* Any building or portion thereof which is damaged, decayed, dilapidated, unsanitary, unsafe, pest infested, or which lacks provision for basic illumination, heat, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or of the public, may be declared unfit for human habitation. Whenever any building or premises has been declared unfit for human habitation, the City shall order the building vacated within a reasonable time and shall post a placard on the building indicating that the building is unfit for human habitation. An order issued pursuant to this Section shall be served on the owner, operator, or owner's agent and upon any occupants.

Subd. 1. It shall be unlawful for such building to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the City.

Subd. 2. In the event a building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the building may be declared a hazardous building and treated consistent with the provisions of Minnesota statutes.

14.25 *Outdoor Furnaces.* A solid fuel-fire heating device shall not be allowed unless it meets the following requirements and a permit is obtained from the City.

Subd. 1. The solid fuel-fire heating device shall have an appropriate ventilating stack with a minimum stack height of 20 feet as measured from ground level.

Subd. 2. Buildings with less than 25 feet of open space between two or more structures shall have a minimum stack height of 3 feet over and above the roof of the adjacent buildings' highest roof elevation.

Subd. 3. For purposes of this Section 14.25, the following terms shall be defined as:

- (1) *Solid Fuel-Fire Heating Device:* A device used for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fire stoves, fireplaces, solid fuel-fire cooking stoves, combination fuel furnaces or boilers which burn solid fuel, and outdoor wood-burning stoves or units. Solid fuel-fire heating devices does not include natural/LP gas-fired fireplace logs.
- (2) *Stack:* any vertical structure incorporated into a building or upon an outdoor solid fuel-fire heating device, which encloses a flue or flues that carry off smoke or exhaust from a solid fuel-fire heating device, especially that part of a structure extending above a roof.

Section - Enforcement

14.30 *Enforcement.* The City, through its adopted agents or employees, shall administer and enforce the provisions of this Chapter and are authorized to cause inspections on a scheduled basis for any building when reason exists to believe that a violation of State or local laws and ordinances have been or are being committed. Inspections shall be conducted during reasonable daylight hours. This Section shall not apply to investigations conducted by the Police Department regarding prohibited conduct or other similar illegal activities.

14.31 *Compliance Order.* Whenever the City determines that any building or any part thereof or the premises surrounding any building, fails to meet the provisions of this Chapter, a compliance order setting forth the violations and ordering the owner, occupant, operator, or agent to correct such violations, shall be issued. This compliance order shall describe the location and nature of the violations, establish a reasonable time for the correction of such violations, and be served upon the owner, operator, agent, or occupant, as appropriate.

Subd. 1. All notices given by the City relating to violations under this Chapter shall be personally served on the appropriate party or sent by certified mail to the party's last known address. If service cannot be made personally or by certified mail, it can be made by posting the notice in a conspicuous place on the premises. Except where the City has reasonable cause to believe an emergency exists, notice shall be given to the owner, operator, manager, representative or local agent, and any affected occupant at least five business days before any

inspection. Inspection notices shall be in writing and may be personally delivered or mailed by regular mail.

Subd. 2. Any person to whom a compliance order is directed who believes such order is based upon an erroneous interpretation of law or ordinance, may appeal the order to the City Council. Such appeal must be in writing, specify the grounds for the appeal, and be filed with the City within fifteen business days after service of the compliance order. The filing of an appeal shall stay all proceedings and furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property.

Subd. 3. The owner of any building upon whom a pending compliance order has been served may not sell, transfer, mortgage, lease, or otherwise dispose of the building, or any part thereof, until the provisions of the compliance order have been complied with.

Subd. 4. Upon failure to comply with a compliance order within the time set out therein and no appeal having been taken, and upon failure to comply with a modified compliance order within the date set therein, the City Council, in addition to any other criminal or civil remedies provided for in this Chapter, may, by resolution, following a hearing upon not less than ten days notice to the owner, 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 State law.

Subd. 5. The City's employees or designated agents are hereby authorized to issue citations for any violation of this Chapter.