

Ordinance No. 37

[Public Health Housing Code]

AN ORDINANCE TO PROMOTE PUBLIC HEALTH, ESTABLISHING AND REQUIRING COMPLIANCE WITH MINIMUM STANDARDS OF HOUSING AND HOUSING EQUIPMENT, AND PRESCRIBING PENALTIES

The Village Council of the Village of Medicine Lake ordains:

Section .01: Declaration of Policy

The Village Council declares that the purpose of this ordinance is to protect, preserve, and promote the physical and mental health of the people, investigate and control communicable diseases, regulate privately and publicly owned dwellings for the purpose of sanitation and public health, and protect the safety of the people and promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed and which: (1) establishes minimum standards for basic equipment and facilities for light, ventilation and heating, for safety from fire, for the use and location, and amount of space for human occupancy, and for safe and sanitary maintenance; (2) determines the responsibilities of owners, operators and occupants of dwellings; and (3) provides for the administration and enforcement thereof.

Section .02: Title

This ordinance shall be known and may be cited as the Public Health Housing Code.

Section .03: Definitions

The following definitions shall apply in the interpretation and enforcement of this ordinance and the following words and terms wherever they occur in this ordinance are defined as follows:

"Approved" means constructed, installed and maintained in accordance with this ordinance or other pertinent ordinances of the City.

"Basement" means that portion of a dwelling between floor and ceiling which is partly below and partly above grade, the floor of which is less than four feet below the average grade of the adjoining ground.

"Cellar" means that portion of a dwelling between floor and ceiling which is below or partly below grade, the floor of which is more than four feet below the average grade of the adjoining ground.

"Dwelling" means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, except temporary housing.

"Dwelling Unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and a part of which is exclusively or occasionally appropriated to cookery.

"Extermination" means the control and elimination of insects, rodents, vermin or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; or by poisoning, spraying, fumigating, trapping or similar means.

"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food.

"Habitable Room" means a room designed to be used for living, sleeping, eating or cooking, excluding bathrooms, toilet compartments, closets, halls and storage places.

"Health Officer" means the Health Officer of the Village or his deputy.

"Infestation" means the presence, within or around a dwelling, of insects, rodents, vermin or other pests or such kind or in such numbers as to cause a hazard to health.

"Multiple Dwelling" means any dwelling containing more than two dwelling units.

"Occupant" means any persons over two years of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

"Operator" means any person, whether the owner or not, who manages or controls any dwelling, or part thereof, in which dwelling units or rooming units are let.

"Owner" means any person who, alone or jointly or severally with others:

- (a) has record legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof.
- (b) acts as the agent of the person holding the record legal title of any dwelling or dwelling unit; or
- (c) is the person representative or fiduciary of an estate through which the record legal title to the real property in which any dwelling or dwelling unit is administered.

"Person" means a natural person for purposes of the occupancy standards hereof, and for other purposes mean a natural person or legal entity.

"Rooming Unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but no part of which is exclusively or occasionally appropriated to cookery.

"Rooming House" means any dwelling, or that part of any dwelling, containing one or more rooming units in which space is lot to three or more persons who are permanent guests.

"Rubbish" means combustible and noncombustible waste materials, household and yard debris and ashes.

'Supplied" means paid for, furnished, provided by, or under the control of the owner or operator.

"Temporary Housing" means any tent, trailer coach, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system, or which is situated in a licensed trailer park.

Section .04: Inspection

For the purpose of determining compliance with the provisions of this article, the Health Officer is hereby authorized and directed to make inspections to determine the condition, use and occupancy of dwellings, dwelling units, rooming units, and the premises upon which the same are located. For the purpose of making such inspections, the Health Officer is hereby authorized to enter, examine and survey all dwellings, dwelling units, rooming units and premises upon which the same are located, at all reasonable times. The owner, operator and occupant of every dwelling, dwelling unit, and rooming unit shall give the Health Officer free access to such dwelling, dwelling unit or rooming unit and its premises for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with provisions of this ordinance.

Section .05: Enforcement of Housing Code

(a) Notice of Violation. Except in these instances to which Section .11 hereof is applicable, whenever the Health Officer determines that there has been a violation of any one or more provisions of this ordinance he shall give notice of such alleged violation to the person or persons who are or may be responsible therefor, as enumerated in (4) below. Such notice shall:

- (1) be in writing,
- (2) particularize the violation or violations alleged to exist or to have been committed;
- (3) provide a reasonable time, but not less than 30 days in any event, for the correction of the violation or violations particularized; and
- (4) be addressed to and served upon the owner of the property, the operator of the dwelling, and the occupant of the dwelling unit or the rooming unit concerned, if the occupant is or may be responsible for the violation.

Service shall be as provided for personal service by the rules of civil procedure for courts of record in Minnesota or by registered or certified mail, return receipt requested, delivered to the addressee only. If service is made by registered or certified mail, the Health Officer shall make a record giving details regarding the mailing. If one or more persons to whom the notice is addressed cannot be found or served after diligent effort so

to do, service may be made upon such person or persons by posting a notice in a conspicuous place in or about the dwelling affected by the notice, in which event the Health Officer shall include in the record a statement as to why such posting was necessary.

(b) Appeal to the Village Council. Any person affected by a notice issued hereunder, who is aggrieved thereby, and who believes the same to be factually or legally contrary to the ordinances of the Village, may within 15 days after service of the same, appeal therefrom to the Village Council by filing a written appeal in the office of the Village Clerk, or the Village Clerk's home, and such appeal shall be heard by the Council within 30 days after it was filed. Notice of the date, time and place of such hearing shall be given to the appellant in the same manner as notice of the violation.

(c) Effect of Appeal. The taking of an appeal shall, during the pendency thereof, have the effect of restraining the Health Officer or any other officer of the City from proceeding in any manner upon the asserted violation or violations.

(d) Hearing. The appellant or his attorney shall have the opportunity to be heard at the hearing, whereupon the Council may:

(1) affirm or deny the existence of any violation or violations as alleged, in whole or in part; and

(2) if a violation has been found to exist, confirm or modify the extent of the correction required, and the time within which the correction must be made.

(e) Correction of Violation by City and Assessment of Cost. In all cases of violation of this ordinance to which Minnesota Statutes, Section 145.22 and 145.23 are applicable, the Health Officer may proceed as therein provided to abate or remove the violation and, if deemed necessary, to have the cost thereof specially assessed against the lot or parcel where the violation was located. In suitable cases, said statutory remedies and procedure may be used either concurrently with, or separate from, the procedures prescribed in this ordinance.

Section .06: **Minimum Standards for Basic Equipment and Facilities**

No person shall occupy or let to another for occupancy any dwelling unit which does not comply with the following requirements:

(a) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to an approved water and sewer system.

(b) Every dwelling unit (except as otherwise permitted by paragraph (e) hereof) shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition and properly connected to an approved water and sewer system. All outdoor privys in the Village must be abolished and razed by June 1, 1966, or six months after the adoption of this Ordinance, whichever is the earlier date.

- (c) Every dwelling unit (except as otherwise permitted by paragraph (e) hereof) shall contain within its walls a lavatory basin in good working condition, properly connected to an approved water and sewer system and located in the same room as the required flush water closet, or as near to that room as practicable.
- (d) Every dwelling unit (except as otherwise permitted by paragraph (e) hereof) shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to an approved water and sewer system.
- (e) The occupants of not more than two dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower, provided that the following conditions are satisfied:
 - (1) Neither of the two dwelling units can accommodate more than two occupants;
 - (2) Such water closet, lavatory basin, and bathtub or shower are in good working condition and properly connected to the water and sewer system, and are accessible to the occupants of one dwelling unit without passing through any sleeping room of the other dwelling unit;
 - (3) Such dwelling units are in the same building, arranged so that the occupant of neither unit are required to go outdoors to reach the facilities.
- (f) Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of paragraph (a), (c), (d) and (e) hereof shall be connected with both hot and cold water lines in an approved manner.
- (g) Every dwelling unit shall be supplied with rubbish storage facilities whose type and location are approved.
- (h) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers whose type and location are approved.
- (i) Every dwelling shall have water-heating facilities which are installed in an approved manner, are maintained and operated in safe and good working condition, are properly connected with the hot water lines required under the provisions of paragraph (f) hereof, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such water-heating facilities shall be capable of meeting the requirements of this section when the heating facilities required under the provisions of Section 7(d) are not in operation.

(j) Every dwelling unit shall have a safe, unobstructed means of egress. Every dwelling unit located above the first floor, and every rooming house where three or more roomers occupy one or more rooming units located above the first floor, and every basement dwelling unit, shall have at least two independent egress stairways which shall be located remote from each other, and one of such stairways shall be an inside stairway. Every such egress stairway serving units above the first floor shall comply with the following requirements:

- (1) It shall be easily accessible from every dwelling unit located on the specified floor without passing through any room other than a public hall;
- (2) It shall lead directly to a street or alley, or open court connected with a street or alley;
- (3) It shall be kept in good order and repair;
- (4) It shall be unobstructed at all times;
- (5) All doors used in connection with such egress must be easily opened from the inside, and remain unlocked or be of a type which can be unlocked from the inside without the use of a key; where multiple dwellings have more than five dwelling units or more than ten sleeping rooms sharing the same means of egress, the doors serving such means of egress shall swing outward and be self closing;
- (6) No window shall be considered a proper means of egress to a required stairway;
- (7) All inside stairway exits shall lead to an exit door;
- (8) All exit stairways of three or more risers shall have at least one hand rail, and all stairways which are three feet six inches or more in width, or which are open on both sides shall have a hand rail on each side;
- (9) Risers or stairs shall not exceed eight inches and treads shall not be less than nine inches;
- (10) All hand rails shall be not less than 28 inches nor more than 38 inches vertically above the nose of the stair treads of stairway platforms;
- (11) The minimum width of all existing required egress stairways shall be 36 inches measured at the face of tread;
- (12) All multiple dwellings shall have a stairway or stairway fire escape with an exit directly there from a public hall located within 40 feet from the exit of each dwelling unit above the first floor if such multiple dwelling is of non-

fireproof construction, or within 50 feet from such exit if such building is of fireproof construction. Fire escapes are emergency means of egress and as such do not constitute a required stairway. All fire escapes shall be kept in good order and repair, and all iron shall be kept painted and free from rust. All doors opening into a fire escape of any multiple dwelling having three or more stories shall be of fire proof construction and shall be self-closing. Vertical ladders shall not be considered a required fire escape. No fire escapes shall pass a window unless such window is of fireproof construction (wire glass and metal frames). All fire escapes shall terminate at ground level or shall have properly constructed and maintained counterbalanced steps for the last flight.

Section .07: Minimum Standards for Lights, Ventilation, and Heating

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

- (a) Every habitable room in a dwelling or dwelling unit shall have at least one window or skylight facing directly to the outside, and shall have a minimum of 5 foot candles of daylight illumination, measurable at the epicenter of the room, 30 inches above floor level, with standard light meter facing the light source at noon Central Standard Time, with the sky of normal brightness.
- (b) At least one-half of the window or skylight required by paragraph (a) hereof shall be easily openable unless some other comparable method of ventilating the room is provided.
- (c) Every bathroom and water closet compartment shall have at least one window or skylight facing directly to the outside in order to provide adequate ventilation. The enforcing officer may approve some other acceptable method of ventilation.
- (d) Every dwelling and dwelling unit shall have heating facilities which are installed in an approved manner and are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 70 degrees Fahrenheit at a distance three feet above floor level, when the temperature outside is minus 20 degrees Fahrenheit. Such heating equipment shall be operated as reasonably necessary to maintain a temperature in all habitable rooms of 70 degrees Fahrenheit.
- (e) Every public hall or stairway in or leading into every multiple dwelling shall have a minimum of 10 foot candles of illumination, measurable with a standard light meter at floor level in halls and tread levels on stairways, at all times when the structure is occupied.
- (f) Every dwelling shall be supplied with electricity and shall meet the following requirements:

- (1) Every habitable room shall contain one electrical convenience outlet for each 20 lineal feet, or major fraction thereof, measured horizontally around the room at the baseboard line, provided that in each room one ceiling type electric light fixture may be substituted for one of the required electrical convenience outlets.
 - (2) Every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one ceiling or wall type electric light fixture.
 - (3) Every outlet and fixture shall be installed in an approved manner and maintained in good and safe working condition.
- (g) During the portion of each year when the Health Officer finds it necessary to protect against mosquitoes, flies and other insects, which are of such kind and occur in such numbers as to cause a hazard to health, every door opening directly from a dwelling to outdoor space shall have a screen door with a self-closing device; and every window or other device with openings to outdoor space used or intended to be used for ventilation, shall likewise be supplied with screens.

Section .08: General Requirements Relating to the Safe and Sanitary Maintenance of Parts of Dwellings and Dwelling Units

No person shall occupy or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:

- (a) Every foundation, exterior wall and roof shall be substantially weathertight, watertight, and rodent proof and shall be kept in a sound condition and good repair.
- (b) Every floor, interior wall and ceiling shall be kept in sound condition and good repair.
- (c) Every window, exterior door, and basement hatchway shall be reasonably watertight, weathertight, and rodent proof and shall be kept in sound working condition and good repair.
- (d) Every inside and outside stairway shall be maintained in safe and sound condition and good repair.
- (e) Every plumbing fixture and water and waste pipe shall be installed in an approved manner and maintained in good, sanitary working condition, free from defects, leaks and obstructions.
- (f) Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

- (g) Every facility, piece of equipment, or utility which is required under this ordinance shall be so constructed and installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- (h) No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this ordinance to be removed from, shut off, or discontinued in any occupied dwelling or dwelling unit, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

Section .09: **Minimum Space, Use and Location Requirements**

- (a) No person shall occupy or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:
 - (1) It shall contain at least 250 square feet of floor area for the first occupant thereof and at least 125 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area, provided that non-habitable area shall be counted in determining the maximum permissible occupancy up to ten per cent of the total habitable area.
 - (2) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (b) No basement space shall be let as a habitable room and no basement space shall be used as a dwelling unit or rooming unit unless:
 - (1) The floor and walls are impervious to leakage of underground and surface run-off water and are free from dampness;
 - (2) The total amount of light furnished in each room is equal to at least the minimum amount of light as required in Section .07, paragraph (a); and
 - (3) The facilities for ventilation in each room are equal to at least the minimum as required under Section .07, paragraph (b).
- (c) No cellar space shall be used as a habitable room or dwelling unit.

Section .10: **Responsibilities of Owners and Occupants**

- (a) Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

- (b) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
- (c) Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and other organic waste which might provide food for insects and rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by Section .06, paragraph (h).
- (d) Every occupant of a dwelling unit shall keep all plumbing therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (e) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the unit primarily infested. Notwithstanding the foregoing provisions of this paragraph, whenever infestation is caused by a failure of the owner or operator to maintain a dwelling in a ratproof or reasonably insect proof condition, extermination shall be the responsibility of the owner and operation. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner and operator.

Section .11: Designation of Unfit Dwellings and Other Requiring Vacation

- (a) Designation. Whenever the Health Officer finds any dwelling, dwelling unit, or rooming unit which does not conform to the standards established by this ordinance, and which by reason of such nonconformity presents an imminent hazard to public health, or to the physical or mental health of the occupants therein, the Health Officer may, without prior notice or hearing, designate such dwelling, dwelling unit, or rooming unit as unfit for human habitation.
- (b) Placarding: Order to Vacate. Any dwelling, dwelling unit, or rooming unit designated as unfit for human habitation by the Health Officer shall be appropriately placarded as such and shall be vacated by the occupants thereof within the time specified in such placard. Such placard shall be deemed an order directing vacating, and shall permit not less than 10 days from the date of such placarding for the vacating of such dwelling, dwelling unit, or rooming unit unless a lesser time is stated in the order in view of the facts of the situation and the hazard involved, as in the judgement of the Health Officer is reasonable and proper.
- (c) Correction of Defects. No dwelling, dwelling unit, or rooming unit which has been designated as unfit for human habitation and placarded as such shall again be used for human habitation until written approval is secured from, and such placarding is removed by, the Health Officer. The Health Officer shall remove such placard

whenever the defect or defects upon which the designation and placarding action were based have been eliminated and the dwelling, dwelling unit, or rooming unit has been made to conform to the standards established by this ordinance.

- (d) Unlawful to Deface Placard. It shall be unlawful for any person to deface, remove or obscure any placard affixed under the provisions of this ordinance.
- (e) Appeal to Village Council. Any person aggrieved by the designation of any dwelling, dwelling unit, or rooming unit as unfit for human habitation who believes the designation to be factually or legally contrary to the ordinances of the Village may appeal for the same to the Village Council. In the same manner as appeal may be taken from a notice of violation under Section .05 of this ordinance.
- (f) The procedure prescribed in this Section may be used concurrently with or separate from the procedures in cases of violation set forth in Section .05 of this ordinance.

Section .12: Penalty

Any person who fails to correct any violation of this ordinance after notification thereof by the Health Officer within the time fixed by him or the Village Council, or who fails within the time specified to vacate any premises designated as unfit for human habitation under said Section 11, is guilty of a misdemeanor, and shall be subject to a penalty of a fine of not exceeding \$100.00 or imprisonment in the County Jail for a period of not exceeding 90 days, with costs of prosecution in case of either fine or imprisonment.

Adopted this 1st day of November, 1965.

Eugene Smith, Mayor

ATTEST: James D. Zank, Village Clerk