

## CHAPTER 16 - HOUSING

### SECTION 1600 - HOUSING CODE

**1600.01**        **PURPOSE.** The purpose of this Section 1600 is to protect the public health, safety, and the general welfare of the people of the City. Further, the purposes of this Section are to protect the character and stability of residential areas within the City and to correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health; to provide standards for heating and sanitary equipment and for light and ventilation necessary to protect the health and safety of occupants of buildings; to prevent the overcrowding of dwellings; to provide standards for the maintenance of existing residential buildings and accessory structures and to thus prevent substandard housing and blight; and to preserve the value of land and buildings throughout the City.

With respect to disputes between tenants and landlords, and except as otherwise specifically provided by the terms of this ordinance, it is not the intention of the City Council to intrude upon the contractual relationship between the tenant and landlord. The City Council does not intend to intervene as an advocate of either party, nor to involve itself in rent disputes, nor to act as an arbitrator, nor to hear complaints from tenant or landlord which are not specifically and clearly relevant to the provisions of this Section.

This Section 1600 shall be known as the Circle Pines Housing Code, and may be cited as such, and will be referred to herein as the Housing Code or this section.

#### **1600.02**    **APPLICATION OF HOUSING CODE.**

(a) Minimum requirements. This Housing Code shall provide minimum requirements to safeguard health, property and public welfare by regulating and controlling the use, occupancy, location and maintenance of all residential buildings, structures and accessory structures within the City. The provisions of this Housing Code shall apply to all buildings or portions thereof used, designed or intended to be used for human habitation. Applicable requirements shall apply to all accessory structures, rooming houses, and house trailers used for human habitation.

(b) Additions, alterations or repairs. Existing buildings which are altered or enlarged shall be made to conform to this section, insofar as new work, alterations or enlargements are concerned.

(c) Relocation. Existing buildings which are moved or relocated shall be considered as new buildings and shall comply with all requirements of this section.

(d) Relationship to Building Code. This Section 1600 supplements Section 1210 and any other provisions of this code. The provision that places the greater restriction or the higher standard shall apply.

### 1600.03 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this Section.

(a) Accessory Use or Structures. A use or structure subordinate to, and serving the principal use or structure on the same lot and customarily incidental thereto which is not used for living or sleeping by human occupants.

(b) Circle Pines Building Code. Section 1210 of this Code.

(c) Building. Any structure having a roof which may provide shelter or enclosed for persons, animals, or chattel, and when said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

(d) Designated Official. The designated agent authorized by the City to administer and enforce this section.

(e) Driveway. A private roadway connecting a house or other structure with the street.

(f) Dwelling. A building or one or more portions thereof, occupied or intended to be occupied for residential purposes, including at least one dwelling unit or rooming unit, but not including rooms in motels, hotels, nursing homes, trailers, tents, cabins, or trailer coaches.

(g) Dwelling Unit. A single-family dwelling or unit designed to accommodate one family.

{h} Flush Water Closet. A toilet with a bowl and trap made in one piece, which is connected to the city water and sewer system or other approved water supply and sewer system.

(i) Garbage. Shall mean the animal and vegetable waste resulting from the handling, preparing, cooking,

marketing, or processing of food, or the non-consumed waste resulting from animals or humans consuming food.

(j) Habitable Building. Any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.

(k) 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, furnace rooms, unfinished basements (those without required ventilation, required electric outlets and required exit facilities), pantries, utility rooms of less than 30 square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces, workshops, and hobby and recreation areas in parts of the structure below ground level or in attics.

(l) Heated Water. Water heated to a temperature of not less than 110 degrees Fahrenheit, or such lesser temperature required by government authority, measured at faucet outlet.

(m) Kitchen. A space which contains a sink with counter working space, space for installing cooking and refrigeration equipment, and space for the storage of cooking utensils.

(n) Maintenance. Upkeep of property and equipment in a safe working condition for which it was installed and/or constructed.

(o) Multiple-Family Dwelling. A dwelling or portion thereof containing two or more dwelling units.

(p) Occupant. Any person (including owner operator) who lives, sleeps, cooks, and eats in a dwelling unit or lives and sleeps in a rooming unit.

(q) Operate. As used in this ordinance, the term "operate" means to charge rent for the use of a dwelling or a rooming unit.

(r) Operator. The owner or his/her agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

(s) Owner. Any person, firm, or corporation who alone, jointly, or severally with others has title to any dwelling, or who has charge of, care of, or control of such property on behalf of the title holder. Any person representing the actual owner shall be bound to comply

with the provisions of this ordinance to the same extent as the owner.

(t) Permissible Occupancy. The maximum number of persons permitted to reside in a dwelling unit or rooming unit.

(u) Person. An individual, firm, partnership, association, corporation, company, or joint venture or organization of any kind.

(v) Plumbing. All of the following supplied facilities equipment in a dwelling: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, bath basins, drains, vents, and any other similar fixtures and the installation thereof, together with all connections to water, sewer, and gas lines.

(w) Premises. A property identifiable by address or legal description, including all associated structures.

(x) Public Hall. A hall, corridor, or passageway for providing egress from a dwelling unit to a public way.

(y) Rental Dwelling. A dwelling or portion thereof which is rented or available for rent.

(z) Repair. The construction or renewal of any part of an existing building or its utilities, facilities, or equipment for the purpose of its maintenance.

(aa) Rodent Harborage. A place where rodents commonly live, nest, or establish their habitat.

(bb) Rooming Unit. Any room or group of rooms forming a single habitable unit designed to accommodate one family or intended to be used for living and sleeping but not for cooking and eating purposes.

(cc) Safety. The condition of being reasonably free from danger and hazards which may cause accidents or disease.

(dd) Substandard Dwelling. Any dwelling which does not conform to the minimum standards established by city ordinances.

(ee) Supplied. Paid for, furnished by, provided by, or under the control of the owner, operator, or agent of a dwelling.

(ff) Meaning of certain words. Whenever the words dwelling, dwelling unit, premises, or structure are used in this ordinance, they shall be construed as though they were followed by the words or any part thereof.

**1600.04 RESPONSIBILITY OF OWNERS AND OCCUPANTS**. No owner or other person shall occupy or let to another person any dwelling, dwelling unit, or rooming unit unless it and the premises are fit for human occupancy and comply with all applicable requirements of the State of Minnesota, the City of Circle Pines, and the following subsections.

(a) Maintenance of Shared or Public Areas. Every owner of a multiple family dwelling shall maintain or shall provide for maintenance of the shared or public areas of the dwelling and premises thereof.

(b) Housekeeping of Occupied Areas. Every occupant of a dwelling, dwelling unit, or rooming unit shall properly housekeep that part of the dwelling, dwelling unit, and premises thereof that he/she occupies and controls.

(c) Storage and Disposal of Refuse. Every occupant of a dwelling, dwelling unit, or rooming unit shall store and dispose of all his/her refuse and garbage and any other organic waste which might provide food for insects and/or rodents as required by Chapter 5 of this Code.

(d) Responsibility for Storage and Disposal of Garbage and Refuse. Every owner of a multiple-family dwelling shall supply facilities for the storage and/or disposal of refuse, garbage, and recycling materials. All garbage waste material, debris, and recyclables shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. Refuse enclosures shall provide screening of containers and have a concrete floor base. Gates may not be required if properly oriented on the site. Design of such facilities shall be reviewed/approved by city staff prior to issuance of a building permit. Each owner of a multiple family dwelling existing on or before January 1, 1995, shall make all improvements necessary to bring garbage and refuse disposal facilities into compliance with this section at such time as a building permit may be taken for any work on the multiple-family dwelling costing more than \$5,000.00. In the case of single-family and duplex dwellings, it is the responsibility of the occupant to furnish such facilities as prescribed by city ordinance.

(e) Responsibility for Storm and Screen Doors and Windows. The owner of a dwelling, dwelling unit, or rooming unit shall be responsible for providing, maintaining and hanging all screen and storm doors and storm windows whenever the same are required under the provisions of this Section.

(f) Responsibility for Pest Extermination. Every occupant of a single family dwelling shall be responsible for the extermination of vermin or rodents on the premises. Every occupant of a dwelling or rooming unit in a multiple-family dwelling shall be responsible for such extermination whenever his/her unit is the only one infested, except when the source of infestation is not within the occupant's control, in which case extermination shall be the responsibility of the owner. When infestation exists in two or more units or in the shared or public parts of any multiple-family dwelling, extermination shall be the responsibility of the owner.

(g) Rodent Harborage Prohibited in Occupied Areas. No occupant of a dwelling shall accumulate boxes, firewood, lumber, scrap metal, or any other similar materials in such a manner that may provide rodent, insect or vermin harborage in or about any dwelling. Outside stored materials shall be stacked neatly in piles at least four inches off bare soil or ground.

(h) Rodent Harborage Prohibited in Public Areas. No owner of a dwelling shall accumulate or permit the accumulation of boxes, lumber, scrap metal, or any other similar materials in such a manner that may provide rodent harborage in or about any dwelling. Outside stored materials shall be stacked neatly in piles at least four inches off bare soil or ground.

(i) Prevention of Food for Rodents. No owner or occupant of dwelling shall store, place, or allow to accumulate any materials that may serve as food for rodents in a site accessible to rodents.

(j) Maintenance of Plumbing Fixtures and Facilities. Each owner of a dwelling shall maintain all supplied plumbing fixtures and facilities therein in good working order.

(k) Minimum Heating Capability and Maintenance. In every dwelling unit or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 70 degrees Fahrenheit or such lesser temperature required

by government authority shall be maintained at floor level, when the outdoor temperature is between 20 degrees below zero and 60 degrees above zero Fahrenheit. When outdoor temperatures are below 20 degrees below zero, the temperature shall be maintained at 70 degrees or the maximum heat output of the heating equipment.

(1) Removal of Snow and Ice. The owner of any rental dwelling shall be responsible for the removal of snow and ice from parking lots and/or driveways, steps, and walkways on the premises. Individual snowfalls of three inches or more successive snowfall accumulations to a depth of three inches shall be removed from walkways and steps within 48 hours after cessation of the snowfall.

(m) Minimum Exterior Lighting. The owner of a rental dwelling shall be responsible to provide and maintain effective illumination in all exterior parking areas and walkways.

(n) Maintenance of Driveway and Parking Areas. The owner of a multiple-family dwelling or dwellings shall be responsible to provide and maintain in good condition paved and delineated parking areas and driveways. Each driveway and parking area on any multiple-family property existing on or before January 1, 1995, shall be paved with asphalt, concrete, brick, or similar dust-free surface at such time as a building permit may be taken for any work on the multiple-family dwelling which cost more than \$5,000.

**1600.05 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.**

No person shall occupy or rent or let to another for occupancy any dwelling or dwelling unit for the purposes of living, sleeping, cooking, and eating therein which does not provide the following:

(a) Floor Area. Every dwelling or rooming unit shall have at least one room which shall have not less than one hundred and twenty (120) square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than seventy (70) square feet. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2). No habitable room other than a kitchen shall be less than seven (7) feet in any dimension.

(b) Ceiling Heights. Every dwelling or rooming unit shall have a ceiling height of not less than seven (7) feet six (6) inches, except as otherwise permitted in this Section. Kitchens, halls, bathrooms, closets, and toilet compartments may have a ceiling height of not less than seven (7) feet measured to the lowest projection of the ceiling.

(c) Kitchen Sink. A sink in good working condition and properly connected to an approved water supply system and which provides at all times an adequate amount of heated and unheated running water under pressure and which is connected to an approved sewer system per Chapter 6 of this Code.

(d) Food Storage. Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils, and of food that does not require refrigeration for safekeeping, and a counter or table for food preparation. The cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

(e) Stove and Refrigerator. A stove for cooking food and a refrigerator for the safe storage of food at or below forty (40) degrees Fahrenheit, which are properly installed with all necessary connections for safe, sanitary, and efficient operation. Such stove and refrigerator need not be installed when a dwelling unit is not occupied or when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of the stove and refrigerator must be provided.

(f) Toilet Facilities. Within every dwelling or rooming unit there shall be a nonhabitable room which is equipped with a flush water closet in compliance with the Minnesota State Plumbing Code. Such rooms shall have an entrance door which affords privacy. Said flush water closet shall be equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and all shall be connected to a sewer system in compliance with Chapter 6 of the Circle Pines City Code. Each water closet stool shall be located in a clear space of not less than thirty (30) inches in width. A clear space in front of the water closet stool of not less than twenty-four (24) inches shall be provided.

(g) Lavatory Sink. Within every dwelling unit there shall be a lavatory sink. The sink may be in the same room as the flush water closet, but if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water system and shall provide at all times an adequate amount of heated and unheated running water under pressure and shall be connected to a sewer system which complies with Chapter 6 of the Circle Pines City Code.

(h) Stopcock or Shut-Off Valves. All private water service pipes shall be provided with an accessible, sufficient and working shut-off valve or stop-cock.

(i) Bathtub or Shower. Within every dwelling or rooming unit there shall be a nonhabitable room which is equipped with a bathtub or shower in good working condition. Such room shall have an entrance door which affords privacy. Said bathtub or shower may be in the same room as the flush water closet, or in another room, and all shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure and shall be connected to a sewer system which complies with Chapter 6 of the Circle Pines City Code.

(j) Fire Protection. All buildings or portions thereof shall provide fire protection as follows:

1. Exits. Every dwelling unit or rooming unit shall have access to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways and appurtenances as required by the Building Code. Every habitable room below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue.

2. Smoke Detectors. All dwelling units shall be required to have a minimum of one smoke detector per floor, per unit which is installed according to the Building Code.

3. Hazardous fire conditions. All buildings or portions thereof which are not provided with the fire-resistive construction and fire-extinguishing systems or equipment required by the fire code, except those buildings or portions thereof which 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 shall be considered hazardous. Faulty or improperly installed or maintained electrical systems, accumulations of combustible materials inappropriately stored, or other conditions contributing to a danger of fire shall be considered hazardous.

**1600.06      STAIRWAYS, PORCHES, AND BALCONIES.** The owner shall keep every stairway, inside or outside of a dwelling, and every porch or balcony, in safe condition and sound repair, including but not limited to the following: stairs and handrails shall conform to the Circle Pines Building Code standards; every porch, balcony, or deck which is 30 inches or more above grade shall have a guardrail that conforms to the Uniform Building Code standards; every handrail and guardrail shall be firmly fastened and maintained in good condition; no flight of stairs shall have settled out of its intended position or have pulled away from the supporting or adjacent structures enough to cause hazard; no flight of stairs shall have rotting, loose, or deteriorating support; excepting spiral and winding stairways, the treads and risers of every flight of stairs shall be essentially uniform in width and height; and stairways shall be capable of supporting a live load of 100 pounds per square foot of horizontal projection.

**1600.07      ACCESS TO DWELLING UNITS.**

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

**1600.08      DOOR LOCKS.**

No owner shall let or rent to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling units are equipped with safe, functioning locking devices. Rental dwelling shall be furnished with door locks as follows:

(a) Building Access: For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple-family dwellings, an approved security system shall be maintained for each multiple-family dwelling to control access. The security system shall consist of locking building entrance or foyer doors, and locked door leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with releasable lever knobs (or doorknobs) on the inside building entrance doors and with key cylinders on the outside of building

entrance. Building entrance door latches shall be of a type that are permanently locked.

(b) Unit Access. Every door that provides ingress or egress for a dwelling unit within a multiple-family dwelling shall be equipped with an approved lock that has a deadlocking bolt that cannot be retracted by end pressure, provided however, that such door shall be openable from the inside without the use of a key or any special knowledge or effort.

(c) Existing Buildings. All multiple-family dwellings in existence at the time this Section is adopted, which were not previously required to have an approved security system, shall not be subject to the requirements of Section 1600.07, Subdivision (a).

#### **1600.09 STANDARDS FOR LIGHT AND VENTILATION.**

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

(a) Habitable Room Ventilation. Except where there is supplied some other device affording ventilation, every habitable room shall have at least one window facing directly outdoors which can be opened easily. The minimum total of openable window area in every habitable room shall be greater than eight (8) percent of the floor area of the room, with a minimum of eight (8) square feet.

(b) Nonhabitable Room Ventilation. Every bathroom and water closet compartment, and every laundry and utility room shall be provided with natural ventilation by means of windows, or skylights having an area of not less than three (3) square feet, except that no windows shall be required if such rooms are equipped with a ventilation system

(c) Electric Service, Outlets, and Fixtures. Every dwelling and rooming unit and all public and common areas shall be supplied with electric service functioning overcurrent protection devices, electric outlets, and electric fixtures which are properly installed, maintained in a safe working condition, and connected to a source of electric power in a manner prescribed by ordinances, rules, and regulations of the City of Circle Pines and by the Laws of the State of Minnesota. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures shall be as follows:

(1) A dwelling containing one or more dwelling units shall have at least the equivalent of 100 ampere, three-wire electric service per dwelling unit.

(2) Each dwelling unit shall have at least one branch electrical circuit for each 600 square feet of dwelling unit floor area.

(3) Every habitable room shall contain one (1) electrical convenience outlet for each 12 lineal feet, or major fraction thereof, measured horizontally around the room at the baseboard line, provided that in each habitable room one (1) ceiling type electric light fixture may be substituted for one (1) of the required electrical convenience outlets.

(4) Every water closet compartment, bathroom, kitchen, laundry room, and furnace room shall contain at least one (1) supplied ceiling-type or wall-type electric convenience outlet.

(5) Every public hall and public stairway in every multiple family dwelling shall be adequately lighted to provide at least ten (10) foot candles of illumination of all parts thereof at all times by means of properly located electric light fixtures; provided that such electrical lighting may be omitted from sunrise to sunset where there are windows or skylights opening directly to the outside and where the total window or skylight area is at least one-tenth (1/10) of the combined horizontal area of the floor and stairway of each such public hallway and where such windows or skylight provide adequate natural light to all parts of each public hallway. Every public hall and stairway in dwellings containing two (2) dwelling units shall be supplied with convenient light switches, controlling an adequate lighting system that will provide at least ten (10) foot candles of illumination on all parts thereof, which may be turned on when needed.

**1600.10 MINIMAL THERMAL STANDARDS.**

(a) No person shall occupy as owner, occupant or let to another for occupancy any dwelling or rooming unit, for the purpose of living therein which does not have heating facilities which are properly installed and maintained in a safe and working condition and which are capable of safely heating all habitable rooms, bathrooms, and water closet compartments in every

dwelling unit located therein to a temperature of at least 70 degrees Fahrenheit or such lesser temperature required by government authority to be maintained at floor level, when the outdoor temperature is 20 degrees below zero Fahrenheit.

(b) Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this section.

(c) Portable heating equipment employing flame and the use of liquid fuel does not meet the requirement of this section and is prohibited.

(d) No owner or occupant shall install, operate, or use a space heater employing a flame that is not vented outside the structure in an approved manner.

**1600.11 GENERAL REQUIREMENTS.** No person shall occupy as owner or occupant or let to another for occupancy any dwelling or rooming unit for the purpose of living therein which does not comply with the following requirements.

(a) Foundations, Exterior Walls, and Roofs. The foundation, exterior walls, and exterior roof shall be substantially water tight and protected against vermin and rodents and shall be kept in sound condition and repair. The foundation element shall adequately support the building at all points. Every exterior wall shall be free of structural deterioration or any other condition which might admit rain or dampness to the interior spaces of the dwelling. The roof shall be tight and have no defects which admit rain and roof drainage and shall be adequate to prevent rain water from causing dampness in the walls. All exterior surfaces, other than decay resistant materials, shall be protected from the elements and decay by paint or other protective covering or treatment. If the exterior surface is unpainted or lacks protective coating the surface shall have a protective covering applied. If the exterior surface of the pointing of any brick, block, or stone wall is loose or has fallen out, the surface shall be repaired.

(b) Windows, Doors, and Screens. Every window, exterior door, and hatchway shall be substantially tight and shall be kept in repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, vermin and rodents from entering the building.

(c) Floors, Interior Walls, and Ceilings. Every floor, interior wall, and ceiling shall be protected against the passage and harborage of vermin and rodents and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding, or rotting flooring materials. Every interior wall and ceiling shall be maintained in a tight waterproof condition. Toxic paints or materials with a lasting toxic effect shall not be used. Every toilet room and bathroom floor surface shall be capable of being easily maintained.

d) Rodent Proof. Buildings found to be rodent infested shall be made rodent resistant. All openings in the exterior walls, foundations, basements, ground, or first floors, and roofs which have 1/4" diameter or larger opening shall be rodent proofed in an approved manner. Interior floors or basements, cellars, and other areas in contact with the soil shall be paved with concrete or other rodent-impervious material.

(e) Accessory Structure Maintenance. Accessory structures shall be structurally sound and be maintained in good repair. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials such as paint or other preservatives.

(f) Outside Storage. The outside storage of materials on residential property shall conform to the following:

(1) All materials and equipment shall be stored within a building or fully screened from adjacent properties or the street, except for the following: laundry drying equipment, recreational equipment, patio furniture, firewood and operable and currently licensed automobiles and trucks of not more than one ton.

2) No commercial vehicle over one (1) ton capacity or commercial trailer shall be parked or stored in any residential district except when loading, unloading or rendering a service. All vehicles equipped with truck parking permits shall be exempt.

(3) The outside storage of firewood shall be permitted in side or rear yards provided it is no closer than five (5) feet to any property line. Such wood shall be stacked in a neat, orderly, safe manner. The maximum height allowed is six (6) feet. Storage of firewood in the front yard shall

be permitted for loading and unloading on temporary basis only not to exceed five (5) days.

(g) Safe Building Elements. Every foundation, roof, floor exterior and interior wall, ceiling, inside and outside stair, porch and balcony, and appurtenance thereto shall be safe to use and capable of supporting normal structural loads.

(h) Facilities to Function. All equipment or utilities required under city ordinances and every chimney and flue shall function effectively in a safe and working condition.

(i) Grading and Drainage. Every yard, court, or passageway on the premises on which a dwelling stands shall be graded and drained so as to be free of standing water that constitutes a detriment to health and safety.

(j) Yard Cover. Every yard, of a premises on which a dwelling stands shall be maintained to prevent dust and erosion.

(k) Public Sidewalks and Access Walks. It shall be the responsibility of the owner of any dwelling unit to keep clear all public sidewalks abutting the premises occupied by the dwelling unit of snow, ice and all obstructions and debris. All structures containing one or more dwelling units shall be required to provide at least one hard-surface and unobstructed access, path or drive linking each dwelling unit to the adjacent public sidewalk or street.

**1600.12 MAXIMUM DENSITY, MINIMUM SPACE FOR RENTAL UNITS**. No person shall permit or let to be occupied any rental dwelling or rooming unit for the purpose of living therein which does not comply with the following requirements:

(a) Permissible Occupancy of Dwelling Unit. The maximum permissible occupancy of any rental dwelling or rooming unit shall be determined as follows:

(1) For the first occupant, 150 square feet of habitable floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space.

(2) In no event shall the total number of occupants exceed two times the number of habitable

rooms, less kitchen, in the dwelling or rooming unit.

**1600.13 ENFORCEMENT AND INSPECTION AUTHORITY.**

The City Administrator or his/her designee shall administer and enforce the provisions of this Code. Inspections shall be conducted during reasonable hours and the Designated Official shall present evidence of his official capacity to the owner or occupant in charge of the dwelling or rooming unit.

**1600.14 INSPECTION ACCESS.**

If any owner, occupant, or other person in charge of a dwelling, dwelling unit, rooming unit, or of a multiple-family dwelling fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof for purpose of an inspection authorized by this ordinance, the Building Official may in addition to any other remedy to secure entry available at law, petition the court for an order for such inspection.

**1600.15 UNFIT FOR HUMAN HABITATION.**

(a) Any dwelling, dwelling unit, or rooming unit or portion thereof which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, or which lacks provision for basic illumination, ventilation, or sanitation facilities to the extent that the defects create a hazard to health, safety, or welfare of the occupants or of the public, or which otherwise fails to meet the requirements of this Section, may be declared unfit for human habitation. Whenever any dwelling, dwelling unit, or rooming unit has been declared unfit, the Building Official shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation, and any registration previously issued for such dwelling shall be revoked.

(b) It shall be unlawful for such dwelling, dwelling unit, or rooming unit, or portion thereof, to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Building Official. No person other than the Building Official shall deface or remove the declaration placard from any such dwelling, dwelling unit or rooming unit.

**1600.16 SECURE, UNFIT, AND VACANT DWELLINGS.** The owner of any dwelling, dwelling unit, or rooming unit which has been declared unfit for human habitation or which is otherwise vacant for a period of sixty (60) days or more immediately shall make the same safe and secure so that it is not hazardous to the health,

safety, and welfare of the public and does not constitute a public nuisance. Any vacant dwelling open at doors, windows, or wall opening, if unguarded, shall be deemed to be a hazard to the health, safety, and welfare of the public and is a public nuisance.

**1600.17      HAZARDOUS BUILDING DECLARATION.** In the event that a dwelling has been declared unfit for human habitation and the owner has not remedied the defects within the period designated in the Compliance Order, the dwelling may be declared a hazardous building and may be removed, razed, or corrected pursuant to the provisions of Minnesota Statutes Sections 463.15 to 463.261.

**1600.18      COMPLIANCE ORDER.** Whenever the Building Official determines that any dwelling, dwelling unit, or rooming unit, or portion thereof, is in violation of this or any other ordinance, he/she may issue a Compliance Order setting forth violations of the ordinance and ordering the owner, occupant, operator, or agent to correct such violations. This Compliance Order shall:

- (a) Be in writing;
- (b) Describe the location and nature of the violations of this ordinance;
- (c) Establish a reasonable time frame, not to exceed thirty (30) days, to correct such violations;
- (d) Notify the owner of his appeal recourse; and
- (e) Be served upon the owner, operator, or occupant, personally, by sending a copy by certified mail to his/her last known address; or by posting a copy at the main entrance of the dwelling and publishing it four (4) times in a legal newspaper in the City of Circle Pines.

**1600.19      RIGHT TO APPEAL.** Any person to whom a Compliance Order is directed, may appeal the Compliance Order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee as determined by Council resolution, and must be filed with the Building Official within five (5) business days after service of the Compliance Order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from unless such stay would cause imminent peril to life, health, or property.

**1600.20      CITY COUNCIL'S DECISION.** Upon at least five (5) business days' notice to the appellant of the time and place for hearing the appeal and within 40 days after appeal is filed, the City Council shall hold a hearing thereon at which the City Council shall modify or affirm the order in whole or in part

within fifteen (15) days after the close of the hearing. The Building Official shall mail a copy of the City Council decision to the appellant. In addition, the decision shall be mailed to each occupant of the building and may be posted on the building.

**1600.21 REGISTRATION.**

(a) Registration. Effective thirty (30) days after the effective date of this ordinance, no person shall allow to be occupied, or rent to another for occupancy, any rental dwelling unless the owner has first registered the rental dwelling with the City. The registration shall be in writing on a form provided by the City. Registration of rental dwellings shall be effective on the day the registration is filed with the City Administrator, subject to approval of the certificate of occupancy. If the certificate of occupancy is issued for new construction, or is issued upon initial inspection of an existing property, the registration shall expire on December 31, four (4) years after issuance of certificate of occupancy. If upon initial inspection for certificate of occupancy the rental dwelling is not found in compliance with this code, then after appropriate corrections are made and a certificate of occupancy is issued, the registration shall expire on December 31, two (2) years after issuance of certificate of occupancy. Certificate of occupancy issued any time during the year shall be calculated with an expiration date as though it was issued on January 1st of that year.

(b) Certificate of Occupancy. Each dwelling unit, rental unit or group of units which is inspected by the Building Official and is determined to be in satisfactory compliance with the provisions of this Housing Code shall be awarded a certificate of occupancy.

(c) Inspection. The Building Official shall conduct an inspection for all units that require registration for compliance with this Section at the time of renewal or transfer of registration.

d) Renewal. All registrations shall be renewed on a form provided by the City prior to January 1 of each even number year for the following two-year period.

(e) Fees. Fees for registrations and registration renewals shall be set from time to time in section 350.09 of the Circle Pines City Code. Fees shall not be prorated.

(f) Transfer of Registration. Registrations of rental dwellings may be transferred, but only if the new owner files a new registration with the City Administration no later than two (2) business days prior to the property ownership transfer which is precipitating the registration transfer.

(g) Agent. Each owner of a rental dwelling shall name on the owner's written registration an individual upon whom the City may lawfully serve notices pertaining to the Administration of this Section, or of any other provisions of this Section pertaining to dwelling units. Service on the individual named by the owner shall be as effective as direct service upon the owner.

**1600.22 PENALTIES**. Any violation of the provisions of this Section, or of any order issued pursuant to this Section, shall be a misdemeanor. Each day a violation exists shall be a separate violation of this Section.

**1600.23 EXECUTION OF COMPLIANCE ORDERS BY PUBLIC AUTHORITY**. Upon failure to comply with a Compliance Order within the time set therein, and no appeal having been taken, or upon failure to comply with a modified Compliance Order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council may by resolution cause the cited deficiency to be remedied in the Compliance Order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes Chapter 429, for any of the reasons set forth in

Section 429.101, Subdivision 1, and specifically for the removal and elimination of public health or safety hazards from private property, but the assessment shall be payable in a single installment. It is the intent of this section to authorize the City to utilize Section 429.101 to promote the public's health, safety, and general welfare.

**1600.24 REVIEW OF ARTICLE**. At the end of two (2) years following the effective date of Section 1600, the City Administrator shall make a comprehensive report to the City Council on the results of the Housing Code. During the two-year period, the City Council shall be furnished with interim reports on activities under the Housing Code.