



Legislation Details (With Text)

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Title: Amending Chapter 34 of the Legislative Code, Minimum Property Maintenance Standards for All Structures and Premises, to include Outdoor Swimming Pools.

Sponsors: Amy Brendmoen

Indexes: Ward - all

Code sections:

Attachments: 1. Memorandum RE Nuisance Pool Ordinances.9-4-15, 2. Additional Memorandum RE Nuisance Pool Ordinance.9-29-15

Date	Ver.	Action By	Action	Result
10/15/2015	1	Mayor's Office	Signed	
10/14/2015	1	City Council	Adopted	Pass
10/7/2015	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
9/23/2015	1	City Council	Laid Over to Third Reading/Public Hearing	
9/16/2015	1	City Council	Laid Over to Second Reading	

Amending Chapter 34 of the Legislative Code, Minimum Property Maintenance Standards for All Structures and Premises, to include Outdoor Swimming Pools.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN
SECTION 1

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Sec. 34.07. - Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Code, have the meanings indicated in this section.

Words used in the present tense include the future; the singular number includes the plural and the plural the singular.

Where terms are not defined in this section and are defined in the state building code (as adopted by the city under Chapter 33 of the Legislative Code), they shall have the meanings ascribed to them in said building code.

Where terms are not defined under the provisions of this chapter or under the provisions of the building code, they shall have ascribed to them their ordinarily accepted meanings and/or such as the context herein may imply.

Approved. "Approved," as applied to a material, device or method of construction, shall mean approved by the enforcement officer under the provisions of this chapter, or approved by other authority designated by law to give approval in the matter in question.

Basement. That portion of a building partly below grade but so located that the vertical distance from grade to floor is not greater than the vertical distance from the grade to the ceiling. Provided, however, that if the vertical distance from the grade to the ceiling is five (5) feet or more, such basement shall be counted as a story.

Boarding care home. This type of use is licensed and regulated by other city and state laws. For purposes of

this Code, a boarding care home shall be defined the same as contained in the regulations of the state board of health.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building code. The Minnesota State Building Code as adopted by the city under Chapter 33 of this Legislative Code.

Code compliance inspection. A comprehensive inspection conducted by the code compliance inspection team at the department of safety and inspections.

Dead bolt lock. A lock with a single cylinder, minimum one-inch throw, case-hardened cylinder guard, all metal parts and tie screws facing the inside of the home only.

Dwelling unit. A building, or portion thereof, designed for occupancy by one (1) family for residential purposes, used or intended to be used for living, sleeping and cooking or eating purposes.

Electrical code. The National Electrical Code, as adopted by the State of Minnesota and the City of Saint Paul Legislative Code, Chapter 33.

Enforcement officer. The director of the department of safety and inspections or his/her designee.

Exterior property areas. Open space on the premises, on adjoining property and all sidewalks, walkways and exterior stairs under the control of the owners or operators of such premises.

Extermination. The control and/or elimination of insects, rodents or other pests by recognized programs of integrated pest management which includes sanitation, harborage control and the use of approved pesticides, trapping and other legal pest elimination methods.

Garbage. Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Glazed area. The area composed of glass or other suitable materials required under the provisions of the Minnesota State Building Code as adopted pursuant to section 33.02 of the Saint Paul Legislative Code.

Grade. The elevation established for the purpose of regulating the number of stories and the height of buildings. Grade shall be the mean level of the finished surface of the ground adjacent to the exterior walls of the buildings.

Gross floor area. The total area of all habitable space.

Guest room. A room or a group of rooms in a licensed bed and breakfast facility forming a single habitable unit which is located within the walls of a residential structure and which is used or intended to be used for sleeping and living, but not for cooking or eating purposes and which is let individually as a unit.

Habitable room. A room occupied by one (1) or more persons used or intended for living, cooking, eating or sleeping purposes, but does not include bathrooms, closets, water closet compartments, laundries, serving and storage pantries, corridors, cellars and spaces that are not used frequently or during extended periods.

Hotel. This type of use is licensed and regulated by other city and state laws. A "hotel" shall be defined the same as found in Chapter 407 of the Legislative Code of the City of Saint Paul.

Infestation. The presence, within or contiguous to a structure or premises, of insects, rodents, vermin or other pests.

Let. To lease or to grant the use and possession of real property, whether or not for compensation.

Mechanical code. The Minnesota State Mechanical Code as adopted by the city under Chapter 33 of the Legislative Code.

Mixed municipal solid waste. Applied as defined in section 357.02 of this Code.

Motel. This type of use is licensed and regulated by other city and state laws. For purposes of this Code, a "motel" shall be defined the same as "hotel." (See Chapter 407 of the Saint Paul Legislative Code.)

Nursing home. For purposes of this Code, a "nursing home" shall be defined as in the regulations of the state board of health.

Occupant. Any person over one (1) year of age (including owner or operator) living and sleeping in a structure or having actual possession of such structure or residential unit.

Operator. Any person who has charge, care or control of a residential structure, roominghouse or building in which dwelling units, rooming units or business spaces are let or offered for occupancy.

Owner. Owner or owners of the freehold of the premises or lesser estate therein, holder of an unrecorded contract for deed, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the premises.

Openable or openable area. That part of a window or door which is available for unobstructed ventilation or

escape and which opens directly to the outdoors.

Person. An individual, firm, corporation, association or partnership.

Plumbing. "Plumbing" or "plumbing fixture" shall mean water heating facilities, water pipes, gas pipes, garbage and disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, or other similar equipment, catch basins, drains, vents or other similarly supplied fixtures, together with all connection to water, gas, sewer or vent lines.

Plumbing code. The Minnesota State Plumbing Code, as adopted by the city under Chapter 33 of the Legislative Code.

Outdoor Swimming Pool. Any structure designed, constructed or intended to be used for outdoor swimming, either above or below grade, with a capacity of twenty-four (24) or more inches deep and having one hundred fifty (150) or more square feet of surface area.

Premises. A lot, plot or parcel of land including the buildings or structures thereon.

Professional state of maintenance and repair. Whenever the words "professional state of maintenance and repair" are used in this chapter, they shall mean that such maintenance and repair shall be made in a reasonable and skillful manner.

Refuse. Putrescible and nonputrescible solid waste, except body waste, and includes garbage, rubbish, ash, incinerator residue, street cleanings, and solid industrial and market wastes.

Residential structure. A "residential structure," except when classified as an institution under the building code, shall mean a building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided.

Rest home. For purposes of this Code, a "rest home" shall be defined the same as contained in the regulations of the state board of health.

Roominghouse. Any residential structure or dwelling unit, supervised or not, which provides living and sleeping arrangements for more than four (4) unrelated individuals for periods of one (1) week or longer, any residential structure or dwelling unit which provides single room occupancy (SRO) housing, as defined in the Federal Regulations CFR 882.102, to more than four (4) unrelated individuals, or any building housing more than four (4) unrelated individuals which has any one (1) of the following characteristics shall be considered and regulated as a roominghouse:

- (a) Rental arrangements are by the rooming unit rather than the dwelling unit.
- (b) Rooming unit doors are equipped with outer locks or chains which require different keys to gain entrance.
- (c) Kitchen facilities are provided for joint or common use by the occupants of more than one (1) rooming unit.
- (d) Rooming units are equipped with telephones having exclusive phone numbers.
- (e) Rooming units are equipped with individual intercom security devices.
- (f) Each rooming unit has a separate assigned mailbox compartment for receipt of U.S. mail.

Rooming unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes. This definition includes, but is not limited to, guest rooms as defined in this section.

State building code. The building code currently adopted by the state.

Structure. "Structure" shall mean that which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Supplied. "Supplied" shall mean installed, furnished or provided by the owner or operator.

Ventilation. The process of supplying and removing air by natural or mechanical means to or from any space.

Ventilation, mechanical. Ventilation by power-driven devices.

Ventilation, natural. Ventilation by opening to outer air through windows, skylights, doors, louvers or stacks without wind-driven devices.

Yard. All ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a structure.

Zoning code. The "zoning code" consists of Chapters 60 through 69 of the Saint Paul Legislative Code.

Sec. 34.08. - Exterior property areas.

The owner of any premises regulated by this section, as specified in section 34.03, shall comply with the

following requirements:

- (1) *Sanitation.* All exterior property areas shall be maintained free from any accumulation of garbage, mixed municipal solid waste, animal feces or refuse.
- (2) *Grading and drainage.* All premises shall be graded and maintained so as to drain water away from occupied structures and minimize the accumulation of water on such premises.
- (3) *Ground cover.* Every residential premises shall be maintained in a condition to control erosion, dust and mud by suitable landscaping with grass, trees, shrubs or other planted ground cover, or by suitable paving or by other means as shall be approved by the enforcement officer. In residential zoning districts, impervious surfaces, excluding the principal building, accessory structures, patios and swimming pools shall not exceed one thousand five hundred (1,500) square feet unless site or terrain conditions make this impractical. For the purposes of this section, an impervious surface includes driveways, sidewalks and surface parking areas.
- (4) *Insect and rodent infestations.* It shall be the responsibility of the owner to control and/or eliminate any infestation of insects, rodents or other pests in all exterior areas and accessory structures on the premises.
- (5) *Accessory structures.* All accessory structures including, but not limited to, detached garages, sheds and fences, shall be maintained structurally sound and in good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment. Service doors to accessory structures shall be provided with securing locks.
- (6) *Stored materials.* It shall be unlawful to accumulate and store building material, lumber, boxes, cartons, portable storage containers, inter modal cargo containers or other containers, machinery, scrap metal, junk, raw material, fabricated goods and other items in such manner as to constitute a nuisance or rodent harborage.
- (7) *Parked or stored vehicles.* All parking spaces shall be paved with asphalt, concrete or other suitable durable and dustless surfacing, as determined by the enforcement officer. The total amount of surface parking for one-family and two-family dwellings shall not exceed fifteen (15) percent of the lot area or one thousand (1,000) square feet, whichever is less. In all residential districts, off street parking shall not be located within any front yard or non-interior side yard. Before any existing spaces may be paved, site plan approval must be obtained as specified in the Saint Paul Zoning Code and the lot must be developed in conformance with such approval.
- (8) *Refrigerators and accessible containers.* It shall be unlawful to permit a refrigerator or other container, sufficiently large to retain a child and with doors which fasten automatically when closed, to be exposed and accessible to children without removing the doors, lids, hinges or latches.
- (9) *Exterior lighting.* Exterior lighting at garages and surface parking areas of buildings containing three (3) or more dwelling units shall be illuminated an average of one (1) footcandle at the pavement. Exterior lighting shall be in conformance with city ordinances and codes.
- (10) *Exterior sidewalks, walkways and stairs.* All sidewalks, walkways and exterior stairs shall be maintained in a safe, sound condition, free of defects and hazards.
- (11) *Outdoor Swimming Pool.* All Outdoor Swimming Pools, in use or temporarily out of use, shall be maintained and secured as defined in section 34.08.12.
 - a. *Out of service Outdoor Swimming Pool.* Any Outdoor Swimming Pool not in use for more than one year shall be free of stagnant water, free of debris, and secured as defined in section 34.08.12.
 - b. *Nuisance Outdoor Swimming Pool.* Any Outdoor Swimming Pool that has stagnant water, lacks maintenance such as damaged sides, broken ladders, missing or damaged equipment, or is out of service for two (2) years, and/or is not secured as defined in section 34.08.12 is subject to abatement under Chapter 45 of the St. Paul Municipal Code.
- (12) *Outdoor Swimming Pool fencing.*
 - a. *All yards of one (1) and two (2) family structures containing Outdoor Swimming Pools shall be enclosed by an obscuring fence or wall not less than four (4) feet in height, maintained in a professional state of maintenance or repair, and shall be constructed such that no openings, holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate. All yards of residential structures of three (3) or more units and commercial*

structures containing Outdoor Swimming Pools shall be enclosed by an obscuring fence not less than five (5) feet in height, maintained in a professional state of maintenance or repair, and shall be constructed such that no openings, holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate. Sidewalls greater than four (4) or five (5) feet in height on an above ground Outdoor Swimming Pool are not a substitute for the appropriate fence or wall. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the Outdoor Swimming Pool is not in use.

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SECTION 2

Sec. 34.32. - Property areas; exterior standards.

The owner of any premises regulated by this section, as specified in section 34.03, shall comply with the following requirements:

- (1) *Sanitation.* All exterior property areas shall be maintained free from any accumulation of refuse, garbage, animal feces (including pigeon droppings) or putrescibles.
- (2) *Insect and rodent infestations.* It shall be the responsibility of the owner to exterminate any infestation of rodents, vermin or other pests in all exterior areas and accessory structures on the premises.
- (3) *Accessory structures.* All accessory structures including, but not limited to, detached garages, sheds and fences shall be maintained structurally sound and in good repair. All exterior surfaces shall be maintained in a state of good repair.
- (4) *Stored materials.* It shall be unlawful to accumulate and store building material, lumber, boxes, cartons or other containers, machinery, scrap metal, junk, raw material, fabricated goods and other items in such manner as to constitute a nuisance or rodent harborage.
- (5) *Obscuring fences.* Refer to the zoning code.
- (6) *Refrigerators and accessible containers.* It shall be unlawful to permit a refrigerator or other container, sufficiently large to retain a child and with doors which fasten automatically when closed, to be exposed and accessible to children without removing the doors, lids, hinges or latches.
- (7) *Outdoor Swimming Pool.* All Outdoor Swimming Pools, in use or temporarily out of use, shall be maintained and secured as defined in section 34.08.12.
 - a. Out of service Outdoor Swimming Pool. Any Outdoor Swimming Pool not in use for more than one year shall be free of stagnant water, free of debris, and secured as defined in section 34.08.12.
 - b. Nuisance Outdoor Swimming Pool. Any Outdoor Swimming Pool that has stagnant water, lacks maintenance such as damaged sides, broken ladders, missing or damaged equipment, or is out of service for two (2) years, and/or is not secured as defined in section 34.08.12 is subject to abatement under Chapter 45 of the St. Paul Municipal Code.
- (8) *Outdoor Swimming Pool fencing.*
 - a. All yards of one (1) and two (2) family structures containing Outdoor Swimming Pools shall be enclosed by an obscuring fence or wall not less than four (4) feet in height, maintained in a professional state of maintenance or repair, and shall be constructed such that no openings, holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate. All yards of residential structures of three (3) or more units and commercial structures containing Outdoor Swimming Pools shall be enclosed by an obscuring fence not less than five (5) feet in height, maintained in a professional state of maintenance or repair, and shall be constructed such that no openings, holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate. Sidewalls greater than four (4) or five (5) feet in height on an above ground Outdoor Swimming Pool are not a substitute for the appropriate fence or wall. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the Outdoor Swimming Pool is not in use.

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SECTION 3

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.