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Amending Chapter 34 of the Saint Paul Legislative Code pertaining to minimum property maintenance standards for structures and buildings.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

Chapter 34 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 34.01. Declaration of policy.

The purpose of this chapter is to protect the public health, safety and welfare in all structures and on all premises by enactment of this ordinance (~~C.F. No. 05-740~~) which:

- (1) Establishes minimum maintenance standards for all structures and premises for basic equipment and facilities for light, ventilation, heating and sanitation; for safety from fire; for crime prevention; for space, use and location; and for safe and sanitary maintenance of all structures and premises.
- (2) Determines the responsibilities of owners, operators and occupants of all structures and premises.
- (3) Provides for administration, enforcement and penalties.
- (4) Promotes the stabilization and maintenance of structures and premises.

Sec. 34.02. Findings of council.

There exist in the city structures which are now or which may in the future become substandard with respect to structure, equipment, and maintenance or energy efficiency. That such conditions, together with inadequate provision for light and air, insufficient protection against fire hazards, lack of proper heating, unsanitary conditions and overcrowding, constitute a menace to public health, safety and welfare of its citizens. It is further found and declared that the existence of such conditions, factors or characteristics adversely affects public health and safety and leans to the continuation, extension and aggravation of urban blight. It is further found that adequate protection of public health, safety and welfare, therefore, requires the establishment and enforcement of minimum property standards.

Sec. 34.03. Applicability and scope.

Every portion of a structure occupied or intended to be occupied for residential purposes and its premises shall comply with sections 34.01 through 34.30, and non-residential property shall comply with sections 34.01 through 34.07 and sections 34.18 through 34.36, irrespective of when such structure shall have been constructed, altered or repaired. Any alterations thereof or changes of use therein, which may be caused directly or indirectly by the enforcement of this Code, shall be done in accordance with applicable sections of the Minnesota Building Code and the St. Paul Zoning Code. Nothing in this chapter shall be applicable to rest homes, convalescent homes, nursing homes or hotels, except that hotels shall meet the requirements of Chapter 407 of the Saint Paul Legislative Code.

Sec. 34.04. Pre-existing structures and, buildings and modifications.

This chapter establishes minimum standards for the occupancy of all structures and buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of building equipment or facilities.

Alterations, repairs, additions or modifications that required a permit at the time of construction must have been approved in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.

Sec. 34.05. Short title.

This chapter shall be called the "Minimum Property Maintenance Standards for Structures and Buildings" and may be cited as the "Property Maintenance Code."

Sec. 34.06. Existing remedies.

Nothing in this chapter shall be deemed to abolish or impair existing remedies of the City of Saint Paul under Chapters 33, 43 and 45 of the Legislative Code. Any conflicts between this chapter and Chapters 33, 43 and 45 will be superseded by the provisions of Chapters 33, 43 and 45.

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 or completely 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.

Bathroom. A room containing plumbing fixtures, that includes a toilet and sink, and may include a bathtub or shower.

Bedroom. Any room or space used or intended to be used for sleeping purposes.

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.

Deterioration. To weaken, disintegrate, corrode, rust or decay and lose its intended effectiveness.

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.~~ *A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation within the unit.*

Easement. A grant by a property owner to the use of land by the public, a corporation or persons for specific purposes as the construction of utilities, drainage ways and roadways.

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.

Guards. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower elevation.

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. A hotel, resort, boarding house, bed and breakfast, furnished apartment or other building, which is kept, used or advertised as, or held out to the public to be, a place where sleeping or housekeeping accommodations are supplied for pay to guests for transient occupancy.

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

Let for Occupancy or Let. ~~To lease or to grant the use and possession of real property,~~ To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded agreement of contract for the sale of land 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.

Occupancy. The purpose for which a building or a portion thereof is utilized or occupied.

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

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.

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 premises which is let or offered for

occupancy.

Owners. ~~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, Any person, agent, operator, firm or corporation in control of the premises having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the recorded contract for deed, the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.~~

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.

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.

Premises. A lot, plot or parcel of land, easement or right-of-way, including the any 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 complete and made in a reasonable and skillful manner. For example, generally plumb, level, square, sound, in line, undamaged and without marring adjacent work.

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.

Right-of-way or public right-of-way. The area in, on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A right-of-way does not include the airwaves above a public right-of-way with regard to cellular or other nonwire telecommunications or broadcast service.

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 natural or mechanical process of supplying and removing conditioned or unconditioned air by ~~natural or mechanical means to~~ or removing such air 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 on residential properties.

The owner of any premises or structure 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 in a clean, safe and sanitary condition, 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~~ kept in a professional state of maintenance and repair and maintained structurally sound. 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, or fabricated goods.
- (7) *Parked or stored vehicles.* All existing parking spaces shall be ~~paved with~~ consist of asphalt, concrete, gravel, rock, or other 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. surfaces. Existing parking surfaces must be maintained in a professional state of repair and may be maintained with like materials without additional approval from the city. Existing parking surfaces must be contained to eliminate migration onto other adjacent surfaces and must be clearly delineated. In all residential districts, off street parking shall not be located within any front yard or non-interior side yard. Before any existing parking spaces or driveways may be ~~paved~~ expanded upon, 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.~~ to a level to allow safe, secure access to the parking facility and within it. 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,~~ a professional state of maintenance and repair, free of defects and hazards.
- (11) *Outdoor swimming pools.* 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 (1) 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- and two-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.

Sec. 34.09. Exterior structure on residential properties.

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

- (1) Protective Treatments. All exterior surfaces, including, but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in a professional state of maintenance and repair. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting, by utilizing paint which is not lead-based, or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding, stucco, masonry and/or similar finishes, as well as those between the building envelope and the perimeter windows, doors and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion or replaced with an approved corrosive resistant material. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (2) Foundations, walls, roof and other exterior surfaces. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a professional state of maintenance and repair.
 - a. The foundation elements shall adequately support the building at all points.
 - b. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit dampness to the interior portions of the wall or to the interior spaces of structures.
 - c. ~~All exterior 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.~~ Paint. Exterior surfaces of any structure or accessory thereto shall not have exposed accumulative paint or other surface-covering material containing lead equal to or greater than one-half of one (0.5) percent by weight or in excess of one (1) milligram per square centimeter of surface area if such paint or surface-covering material is blistered, cracked, flaked, scaled or chalked away.
 - d. ~~Exterior surfaces of residential structures or accessory thereto shall not have exposed accumulative paint or other surface-covering material containing lead equal to or greater than one-half of one (0.5) percent by weight or in excess of one (1) milligram per square centimeter of surface area if such paint or surface-covering material is blistered, cracked, flaked, scaled or chalked away.~~ Roof. The roof shall be weather tight and kept in a professional state of maintenance and repair, impervious to water and have no defects which admit water or dampness to the interior of the building. No building roof shall be used for storage of any materials or objects unless approved by the enforcement officer.
 - e. ~~The roof shall be tight and kept in a professional state of maintenance and repair, impervious to water and have no defects which admit water or dampness to the interior of the building. No building roof shall be used for storage of any materials or objects unless approved~~

by the enforcement officer. Chimneys, cooling towers, smokestacks. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained in a professional state of maintenance and repair.

(3) *Stairs, porches, decks and railings.*

- a. Every outside stair, porch and deck shall be constructed safely and shall be capable of supporting a imposed loads as determined in the building code and shall be kept in sound condition and good repair a professional state of maintenance and repair with proper anchorage. Every stairway, porch, deck or step which is more than thirty (30) inches above grade shall have guardrails and intermediate rails, no more than six (6) inches apart or in accordance with the current building code or maintained in accordance with the building code in effect when originally constructed. ~~If deemed hazardous by the enforcement officer it shall be brought into compliance with state building code.~~ at the time of construction or as altered/modified under an approved building permit.
- b. Every flight of stairs which is ~~more than three (3) risers high~~ shall have handrails in accordance with the building code or maintained in accordance with the building code under which it was originally constructed. shall be maintained in a professional state of maintenance and repair and in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit. Every required handrail and guard shall be firmly fastened and capable of supporting imposed loads and shall be maintained in a professional state of maintenance and repair and in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.
- c. ~~Stairs, steps, porches, decks, handrails, balustrades and guardrails deemed hazardous by the enforcement officer shall be corrected so as to be in compliance with the building code.~~

(4) *Windows, doors and hatchways.* Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition a professional state of maintenance and repair.

- a. Windows shall be fully supplied with window panes which are without open cracks or holes.
- b. Sashes shall be in sound condition and fit reasonably tight within the frame; and
- c. Every window, other than a fixed window, shall be capable of being easily opened and have hardware be able to hold it be held in the open position. ~~Locking hardware shall be required on all windows up to and including the second story and every other window which is accessible by a deck, porch or other walking surface.~~
- d. ~~Every basement window which is openable shall be supplied with a screen or hardware cloth of not more than sixteen (16) mesh per inch which fits tightly and is securely fastened to the frame, or with other materials affording equivalent protection. Basement windows required for egress can be equipped with bars or hinged units with hasps and padlocks that can be easily opened from the interior for emergencies. Basement windows not required for egress can be equipped with nonopenable bars.~~ All windows shall be maintained in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.
- e. ~~Every window required for ventilation, or other outside opening used for ventilation purposes, shall be supplied with a screen of not less than sixteen (16) mesh per inch.~~ All screens shall be maintained in a professional state of maintenance and repair.

- f. Every exterior door and its hardware shall be in sound condition and fit within its frame.
- g. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.
- h. Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key. Exceptions to the requirements of this subsection for single-family homes and grade level duplex and townhouse units are contained in Minnesota Statutes section 16B.61, subdivision 3(h) 326B.106.
- i. ~~Every entry door to a dwelling or rooming unit including service doors leading from the attached garage shall be substantially secure from illegal entry and shall be provided with a one-inch throw deadbolt lock as defined in section 34.07. Doors replaced shall be replaced with solid core, solid wood, three-fourths-inch panel or metal door and frame. Hinges must be placed on the inside of the solid door. Door frames must be in good condition, have secure metal deadbolt lock strike plates, and six-inch security plates if possible. Doors and door frames shall be maintained in a professional state of maintenance and repair and in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.~~
- j. ~~Patio and glider doors. Provide a removable track filler in the lower track, a hand-operated vertical or horizontal bolt lock or a horizontal locking bar inserted directly into the middle frame of the patio door~~ Patio and glider doors shall be maintained in a professional state of maintenance and repair. Patio and glider door locks incapable of repair may be substituted with a suitable device.

Sec. 34.10. Interior structures on residential properties.

The owner of any premises regulated by this section, ~~as specified in section 34.03, shall comply with the following requirements: maintain the interior property in compliance with these requirements, except as otherwise provided in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.~~

- (1) *Basements.* Every basement and crawl space shall be maintained reasonably free from dampness and free of any mold or mildew. Every basement area accessible to tenants shall have its floor paved with concrete or other durable, dustless surfacing to permit such floor to be kept in a clean and sanitary condition.
- (2) *Structural members.* The supporting structural members shall be maintained structurally sound, showing no evidence of deterioration and shall be capable of bearing imposed loads in accordance with the building code ~~or shall be maintained in accordance with the building code in effect when originally constructed.~~ in effect at the time of construction or as altered/modified under an approved building permit.
- (3) *Stairs.*
 - a. Every stairwell shall be kept in a professional state of maintenance and repair, be constructed safely and be capable of supporting a load as determined in accordance with the building code or must be maintained in accordance with the building code which was in effect when the stairs were originally constructed at the time of construction or as altered/modified under an approved building permit. Every stairway, porch, balcony, or deck ~~or step which is more than thirty (30) inches above grade shall have guardrails and intermediate rails no more than six (6) inches apart and in accordance with the building code and shall be maintained in a~~

~~professional state of repair or if altered brought into compliance with the state building code. If deemed hazardous by the enforcement officer it shall be brought into compliance with the state building code. shall have guardrails.~~

- b. ~~Every flight of stairs which is more than three (3) risers high shall have handrails in accordance with the building code or maintained in accordance with the building code under which it was originally constructed. shall be maintained in a professional state of maintenance and repair and in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit. Every required handrail and guard shall be firmly fastened and capable of supporting imposed loads and shall be maintained in a professional state of maintenance and repair and in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.~~

(4) *Bathroom floors.* Every bathroom floor surface shall be kept in a professional state of maintenance and repair and be constructed and maintained substantially impervious to water to permit such floor to be easily kept in a clean and sanitary condition.

(5) *Sanitation.* The interior shall be maintained in a clean and sanitary condition, free from any accumulation of refuse or garbage.

(6) *Insect and rodent harborage.* Every owner of a structure shall be responsible for the control and/or elimination of insects, rodents or other pests wherever infestation exists.

(7) *Interior walls, floors, ceilings, woodwork and cabinets.* All interior walls, floors, ceiling, woodwork and cabinets must be maintained in a sound condition and in a professional state of maintenance and repair.

(8) *Use of paint containing lead:*

a. No person shall apply paint or other surface-covering material containing lead equal to or greater than six-hundredths (0.06) percent by weight of the total solids contained in such paint or surface-covering material to the interior or exterior surface of any residential structure.

b. No interior surface of any residential structure or accessory thereto shall have exposed accumulated paint or surface-covering material containing lead equal to or greater than one-half of one (0.5) percent by weight, or in excess of one (1) milligram per square centimeter of surface area if such paint or surface-covering material is blistered, cracked, flaked, scaled or chalked away.

Sec. 34.11. Basic facilities on residential properties.

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

The provisions of this chapter shall govern the minimum basic facilities to be provided in premises and structures. The owner of the structure or premises shall provide and maintain such basic facilities in compliance with these requirements. The owner of the structure or premises shall maintain all basic facilities in a professional state of maintenance and repair. A person shall not occupy as owner occupied or permit another person to occupy any structure or premises which is not in compliance with this chapter.

(1) *Toilet and hand sink.* Every dwelling unit shall contain within its walls a room, or adjacent rooms, separate from the habitable rooms, which affords privacy and which is equipped with a toilet and hand sink. In every structure, every water line, plumbing fixture, drain, stack, waste, vent and sewer line shall be properly installed, connected and maintained in proper working order, and must be kept free from obstructions, leaks and defects and capable of performing the function for which it was designed and installed. All repairs and installations must be made in accordance with the ~~provisions of the plumbing~~

code building code in effect at the time of construction or as altered/modified under an approved building permit.

- (2) *Bathtub or shower.* Every dwelling unit shall contain a room which affords privacy to a person in the room and which is equipped with a bathtub or shower.
- (3) *Kitchen sink.* Every dwelling unit shall contain a kitchen sink apart from the hand sink requirement in paragraph (1) of this section.
- (4) *Connected to water and sewer system.* Every kitchen sink, hand sink, bathtub, shower, toilet or urinal which is supplied must be connected to an adequate water and sewer system in accordance with the plumbing code. Each of these facilities shall be supplied with running water. Every kitchen sink, hand sink, bathtub or shower shall be supplied with adequate hot and cold running water.
- (5) *Water heating facilities.* Every residential building or residential portion of a building shall have water heating facilities installed in accordance with the plumbing code, properly maintained and properly connected with hot water lines required under paragraph (4) of this section and which are capable of heating water to a temperature of one hundred ~~twenty (120)~~ ten (110) degrees Fahrenheit ~~and shall be limited to a maximum temperature of one hundred thirty (130) but not more than one hundred twenty (120) degrees Fahrenheit at any time needed.~~ An adequate amount of water ~~shall be available at every kitchen sink, hand sink, bathtub, shower and laundry facility or other similar units.~~ pressure shall be available for the system served.
- (6) *Heating facilities.* Every residential building or residential portion of a building shall have heating facilities that are properly installed, safely maintained and in good working condition, and capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit with an outside temperature of minus twenty (-20) degrees Fahrenheit. The owner shall maintain a minimum room temperature of sixty-eight (68) degrees Fahrenheit ~~at five feet above the floor.~~ Installation, repair or alteration of heating facilities, space heaters and water heating facilities shall be in accordance with the Legislative Code, Chapter 33, and the state mechanical code. The enforcement officer may require the owner of residential property to provide current proof of service of any heating or space heating facility by a licensed contractor, which must include a carbon monoxide reading. Every space heating, cooking and water heating device located in a structure shall be properly installed, connected, maintained and capable of performing the function for which it was designed in accordance with the provisions of the plumbing and mechanical codes.
- (7) *Mixed municipal solid waste storage and removal.* Every residential building shall be supplied with approved containers which are of sufficient quantity and capacity to store all the mixed municipal solid waste from the unit and which are equipped with tight-fitting covers for storage of mixed municipal solid waste. Mixed municipal solid waste shall be collected at least weekly by a licensed refuse hauler. In all residence buildings, it shall be the responsibility of the owner to provide the containers and contract with a licensed hauler for collection of the mixed municipal solid waste, in accordance with section 357.05(g)(1).
- (8) *Refuse and garbage storage.* The owner of every residential building shall supply sufficient approved containers with covers impervious to weather for storage of refuse and garbage.
- (9) All residential structures and dwelling units shall be supplied with electrical service that is adequate to safely meet the electrical needs of the residential structures and dwelling units in accordance with the ~~provisions of the electrical code presently in force.~~ building code in effect at the time of construction or as altered/modified under an approved building permit. Any illegal or electrical devices shall be removed, repaired or replaced. All electrical components shall be maintained in an approved manner and free of defects.

Sec. 34.12. Installation and maintenance. Private Wells on residential properties.

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

- (1) *Private wells.* In all dwellings or multiple dwellings serviced by a private well for drinking water purposes, coliform bacteria and nitrate testing of water shall be conducted by the property owner every two (2) years. It shall be the responsibility of the property owner to either:
 - a. Submit well water samples to the department of safety and inspections for testing and analysis; or
 - b. Contract with a laboratory certified by the state department of health for collection, testing and analysis. Within thirty (30) days of the testing, a copy of the test results shall be submitted by the property owner to the department of safety and inspections, along with such fee as may be set by the city council. The department of safety and inspections shall then issue a certificate to the property owner, effective for two (2) years, verifying that the water samples are within the standards set for public health. All repairs and installations shall be made in accordance with the provisions of Minnesota Water Well Construction Code, Chapter 4725.
- (2) *All facilities and equipment.* All required and supplied equipment and all building space and parts in every residential building shall be constructed and maintained to properly and safely perform their intended function in accordance with the provisions of the applicable code.

Sec. 34.13. Occupancy on residential properties.

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

- (1) *Minimum ceiling height.* In calculating the floor area of habitable rooms, only those portions of the floor area of a room having a clear ceiling height in excess of five (5) feet may be included. At least half of the floor area of any habitable room shall have a clear ceiling height of seven (7) feet or more. Ceiling heights must be in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.
- (2) *Required space in dwelling units.* Every dwelling unit shall contain a minimum gross floor area of at least one hundred fifty (150) square feet for the first occupant, at least one hundred (100) square feet for each occupant thereafter, the floor area to be calculated on the basis of the total habitable room area.
- (3) *Required space in sleeping rooms.* In every dwelling unit, every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. In every dwelling unit, every room occupied for sleeping purposes by two (2) or more occupants shall have a minimum gross floor area of fifty (50) square feet per occupant thereof. Rooming units shall comply with section 34.17(2) of this Code.
- (4) ~~*Escape window.*~~ *Emergency Escape and Rescue Opening.* At least one (1) emergency escape and rescue window or exterior door opening in every room used for sleeping purposes shall be openable from the inside, with a minimum overall net glazed area of five and seven-tenths (5.7) square feet or in accordance with current building code; the minimum net clear opening height dimension shall be twenty-four (24) inches, the minimum net clear opening width dimension shall be twenty (20) inches, and it shall have a minimum finished sill height of not more than fort-eight (48) inches above the floor. Should the window, or any part of it, be below grade, an excavation shall be made, on the exterior side of the window, that extends at least to the depth of the window sill. Window wells required for emergency escape and rescue shall have horizontal dimensions that allow the door or window of the emergency escape and rescue opening to be fully opened. ~~The horizontal dimensions of the window~~

~~well shall provide a minimum net clear area of nine (9) square feet with a minimum horizontal projection and width of thirty-six (36) inches. Should the window sill be forty-eight (48) inches or more below grade, a stairway or permanently affixed ladder shall be provided from the excavation to grade, and maintained in a professional state of maintenance and repair in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.~~

- (5) *Access limitation of dwelling unit or rooming unit to commercial uses.* No habitable room, bathroom or toilet room which is accessory to a dwelling unit or rooming unit shall open directly into or shall be used in conjunction with any commercial or industrial use.

Sec. 34.14. Light and ventilation on residential properties.

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

- (1) Light and ventilation in habitable rooms.
- a. Light shall be provided to every habitable room by means of ~~an openable window~~ glazing as specified in (b) or artificial light in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.
 - b. Minimum total window area measured between stops for every habitable room shall be ~~eight (8) a minimum of four (4) percent of the floor area of such room. The openable area of the window shall be fifty (50) percent of the minimum light requirements of this section, except where an approved mechanical ventilation system has been provided according to the state building code.~~
 - c. ~~Windows shall not be required in kitchens of dwelling units when such kitchen has a clear, unobstructed opening of fifty (50) percent of the common wall to an adjoining habitable room and when the kitchen is provided with an approved mechanical ventilation system. In addition, the window area of the adjoining habitable room, referred to above, shall be of sufficient size so as to provide for the light and ventilation requirement of the kitchen area as well as for the adjoining habitable room. Any appliance, mechanical equipment and/or mechanical system shall be maintained.~~
- (2) Electric service.
- a. All residential structures and dwelling units shall be supplied with electrical service that is adequate to safely meet the electrical needs of the residential structures and dwelling units in accordance with ~~the provisions of the electrical code presently in force.~~ building code in effect at the time of construction or as altered/modified under an approved building permit. Any illegal wiring or electrical devices shall be removed, repaired or replaced. All electrical components shall be maintained in an approved manner and free of defects.
 - b. ~~Every habitable room, one hundred twenty (120) square feet or less in area, of a residential structure shall contain at least two (2) separate and remote duplex outlets. An additional duplex outlet shall be required for each additional eighty (80) square feet of area or fraction thereof.~~
Any new or replacement duplex convenience outlet, switch, fixture or wiring must be installed under an approved permit and in accordance with the code in effect at the time of construction or as altered/modified under an approved building permit. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one (1) electric light fixture.
 - c. ~~In kitchens, three (3) separate and remote duplex convenience outlets shall be required.~~

At least one (1) required duplex convenience outlet in the kitchen shall be supplied by a separate twenty-ampere circuit. Any new or replacement duplex convenience outlet installed within a six-foot radius of the kitchen sink must be of the ground fault circuit interrupter (GFCI) type. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one (1) electric light fixture. In addition to the electric light fixtures in every bathroom and laundry room, there shall be provided at least one (1) duplex convenience outlet. The required duplex convenience outlet in the laundry room (or rooms) must be on a separate twenty-ampere circuit. The required duplex convenience outlet in each bathroom must be of the ground fault interrupter (GFCI) type. Any existing convenience outlets in any bathroom must be converted to a GFCI-protected outlet or removed. All metallic fixtures, if within five (5) feet horizontally or eight (8) feet vertically of grounded surfaces, shall be grounded. Every common hall and inside stairway in every residential structure or dwelling unit shall be illuminated as required by the building code in effect at the time of construction or as altered/modified under an approved building permit.

- d. ~~Every common hall and inside stairway in every residential structure or dwelling unit shall be illuminated at all times with an intensity of not less than five (5) footcandles per square foot in the darkest portion of the normally traveled stairs and passageways.~~
- e. ~~One (1) lighting outlet is required for each two hundred (200) square feet of basement floor space. At least one (1) of the required basement lighting outlets must be switched from the head of the stairs.~~
- f. ~~Exterior exits and entryways are required to be illuminated a minimum of one (1) footcandle at the grade level for security. as required by the building code in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.~~

- (3) ~~Ventilation and light in bathroom and toilet room. Every bathroom and toilet room shall comply with the window ventilation requirements for habitable rooms contained in paragraph (1) of this section, except that no window shall be required in bathrooms or toilet rooms equipped with an approved mechanical ventilation system. Windows and mechanical ventilation systems shall be maintained and operable per manufacturer's recommendations. Bathrooms shall be vented as required by the building code in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.~~

Sec. 34.15. Minimum standards for safety from fire on residential properties.

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

- (1) ~~Flammable liquids storage. No residential structure or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids with a flashpoint of less than one hundred ten (110) degrees Fahrenheit as defined by the National Board of Fire Underwriters. No flammable liquid with a flashpoint of less than one hundred ten (110) degrees Fahrenheit shall be stored within a residence building unless in an approved fire-rated storage cabinet or a one-hour separated room.~~
- (2) ~~Exits. All requirements of the state building code regarding exits shall be complied with. All exists must comply with the requirements of the building code in effect at the time of construction or as altered/modified under an approved building permit.~~
- (3) ~~Smoke detectors, and carbon monoxide alarms. Smoke detectors and carbon monoxide alarms must be installed in accordance with Chapter 39 of the Legislative Code.~~

Sec. 34.16. Responsibilities of occupants relating to the maintenance of dwelling units on residential properties.

- (1) *Cleanliness.* Every occupant of a dwelling unit or rooming unit or structure shall keep in a clean and sanitary condition that part of the premises thereof which the occupant occupies or controls.
- (2) *Disposal of refuse and garbage.* Every occupant of a dwelling unit or structure or rooming unit shall dispose of all his/her refuse and garbage in a clean and sanitary manner by placing it in approved refuse and garbage containers required by this chapter.
- (3) *Use and operation of supplied fixtures.* Every occupant of a dwelling unit or structure shall keep the supplied fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.
- (4) *Installation and care of fixtures furnished by occupant.* Every fixture furnished by the occupant shall be properly installed, shall be maintained in good working condition and shall be clean, sanitary and free from defects, leaks or obstructions in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.

Sec. 34.17. Rooming units on residential properties.

No person shall occupy or let to another for occupancy any rooming unit in any residential structure unless the rooming unit and residential structure comply with the following requirements:

- (1) *Toilet, hand sink and bathing facilities.* Every rooming unit or guest room shall have available a toilet, hand sink and bathtub or shower. All these facilities shall be:
 - a. Located within the residential structure;
 - b. Directly accessible or accessible from a heated passageway to all persons sharing the facilities without going outside the residential structure;
 - c. Located within a room or rooms which afford privacy and are separate from the habitable rooms; and
 - d. Located on the same floor as, or a floor adjacent to, the rooming unit served by the facilities.

At least one (1) toilet, hand sink and bathtub or shower shall be supplied for each five (5) persons or fraction thereof residing in a residential structure and using the shared facilities.

- (2) *Minimum floor area for sleeping purposes.* Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor area. Every room occupied for sleeping purposes by two (2) or more persons shall contain at least sixty (60) square feet of floor area for each occupant thereof.
- (3) *Bed linen and towels.* The owner or operator shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to another occupant. The owner or operator shall be responsible for the maintenance of all supplied bedding and towels in a clean and sanitary manner.
- (4) *Shades, drapes, etc.* Every window of every rooming unit shall be supplied with shades, drapes or other devices or materials which, when properly used, will afford privacy to the occupant of the rooming unit.
- (5) *Maintenance of walls, floors, etc.* The occupant shall be responsible for the sanitary maintenance of all walls, floors and ceilings of the rooming unit. Supplied equipment and every other

part of the rooming units and the common, shared or public areas is the responsibility of the owner or operator.

Sec. 34.18. Penalty for violation.

- (1) Violation of any provision of this chapter shall be deemed a misdemeanor, punishable in accordance with the provisions of section 1.05 of this Code.
- (2) ~~It shall be an affirmative defense to a misdemeanor prosecution of a lessor under this chapter, which the lessor must prove by a preponderance of the evidence, that the lessor:~~
 - a. ~~Established a written lease provision that requires occupant(s) to follow the provisions of state and local laws related to property, building, and fire codes; and~~
 - b. ~~Effectively communicated such a provision to occupant(s); and~~
 - c. ~~Took reasonable steps to discover the violations; and~~
 - d. ~~Effectively enforced the lease provisions when violations were discovered.~~

Nothing in this section shall preclude an enforcement officer from seeking the enforcement of provisions of this chapter in any court of competent jurisdiction by any appropriate form of civil action, including seeking to enjoin any continued violation and seeking to compel compliance by issuing an order to correct violations.

- (3) ~~Nothing in this section shall preclude an enforcement officer from seeking the enforcement of provisions of this chapter in any court of competent jurisdiction by any appropriate form of civil action, including seeking to enjoin any continued violation and seeking to compel obedience by issuing order to correct violations.~~

Sec. 34.19. Inspections.

Enforcement officers shall be authorized to make or cause to be made inspections to determine the condition of buildings, dwelling units, guest rooms, habitable rooms, premises, residential structures, rooming houses, rooming units, commercial structures and other structures or premises at any reasonable time in order to safeguard the health, safety and welfare of the public and to perform their duties under this chapter. Access during reasonable times shall not be denied by any owner, occupant or other person in charge of the premises. The enforcement officer may obtain a search warrant where probable cause exists to believe that the premises are in violation of this chapter. Provided, however, that no search warrant is needed for entry where an emergency condition exists and sufficient time to obtain a warrant is unavailable.

Sec. 34.20. Duty of occupant to allow access to owner or operator.

Every occupant of buildings, dwelling units, guest rooms, habitable rooms, premises, residential structures, rooming houses, rooming units and other structures or premises shall upon receiving reasonable prior notice give the owner or operator or their agent or employee access to the premises at reasonable times for the purpose of effecting inspections, maintenance, repairs or alterations which are necessary to comply with provisions of this chapter.

Sec. 34.21. Notice to correct violations.

- (1) *Notification of violation.* Whenever an enforcement officer determines that there has been a violation of this chapter, notice may be provided to the owner or occupant to take the appropriate steps to correct the violations. The notice shall:
 - a. Be in writing; and

- b. Include a description of the real estate sufficient for identification;
 - c. Specify the violation which exists and the remedial action required; and
 - d. Include a statement that the order may be appealed to the legislative hearing officer in accordance with the procedures set forth in section 34.23
- (2) *Service of notice.* Service of an order shall be adequate if provided by:
- a. Personal service;
 - b. U.S. mail; or
 - c. If the appropriate party or address cannot be determined after reasonable effort, by posting a copy of the order in a conspicuous place on the premises. Provided, however, that in the case of rental housing, notice shall be sent by United States Mail to the address listed on the document required under Chapter 35 of this Code.
- (3) *Emergency enforcement procedures.* If an emergency situation exists which creates an imminent health or safety hazard or danger to the public that by its nature requires immediate action, an enforcement officer may issue oral orders to the owner, operator and/or occupant that immediate corrective action shall be taken. The oral order shall:
- a. Include a description of the premises sufficient for identification;
 - b. Specify the violation which exists and the immediate remedial action required; and
 - c. Specify a reasonable time for the performance of the actions required. Within twenty-four (24) hours following issuance of an oral order, the officer shall serve a written order upon the owner in the manner provided above. Failure to obey the orders shall constitute a violation subject to the penalties provided for in section 1.05 of this Code.

Sec. 34.22. Dangerous structures.

If in the opinion of the enforcement officer any building or structure, or part thereof, is deemed to be in an unsafe condition and dangerous and/or unsafe to life, limb or property, the officer shall proceed to have the building or structure condemned pursuant to the applicable provisions of the Minnesota Statutes Chapter 463, or Chapter 45 of this Code, pertaining to hazardous or dangerous structures.

Sec. 34.23. Structures unfit for occupancy.

- (1) *Action authorized to condemn structures or units as unfit for occupancy.* Whenever an enforcement officer finds that any dwelling unit, structure or portion thereof constitutes a hazard to the health, safety or welfare of the occupants or to the public for any of the reasons enumerated in this chapter, including those violations defined herein as constituting material endangerment, but which structure does not constitute a dangerous structure, the officer may take action to condemn the unit or structure as being unfit for occupancy.
- (2) *Illegal occupancy.* If any dwelling unit, structure or any part thereof is occupied by more occupants than provided by this chapter or is erected, altered or occupied contrary to law, the unit, structure or part thereof shall be deemed an unlawful structure and the enforcement officer shall cause the unit or structure vacated. It shall be unlawful to occupy such unit or structure until it or its occupation, as the case may be, has been made to conform to the law.
- (3) *Placard as unfit for occupancy.* Any dwelling unit, structure or portion thereof ordered vacated or condemned as unfit for occupancy shall be posted with a placard by the enforcement officer. The

placard shall include the following:

- a. Name of city;
- b. Name of the authorized department having jurisdiction;
- c. Chapter and section of the ordinance under which it is issued;
- d. Date on which the unit or structure must be vacated;
- e. Statement that the unit or structure, when vacated, must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;
- f. Date that the placard is posted; and
- g. Statement of the penalty for defacing or unauthorized removal of the placard.

(4) *Defacement and unauthorized removal of placard.* No person shall deface or remove the placard from any structure which has been condemned and placarded as unfit for occupancy. The placard may be removed only by or at the direction of the enforcement officer.

(5) *Service of notice.* The enforcement officer shall serve a written notice upon the owner of the premises informing the owner of the requirement to vacate the dwelling unit, structure or portion thereof within twenty-four (24) hours of posting the placard. Service of the notice shall be by delivery to the owner personally or by leaving the notice at the owner's usual place of abode or with a person of suitable age and discretion or by depositing in the United States Post Office the notice, addressed to the owner at the last known address with postage prepaid. Provided, however, that in the case of rental housing, notice shall be sent by United States Mail to the address listed on the document required under Chapter 35 of this Code.

(6) *Vacation of structure or unit.* Any dwelling unit, structure or portion thereof which has been condemned or placarded as unfit for occupancy shall be vacated within the time set forth in the placard and/or order. No person shall occupy or let for occupancy any structure which is condemned.

(7) *Material endangerment violations.* The following violations may constitute material endangerment if in combination or alone the conditions are substantial and expose the occupants or the public to danger or peril:

- a. Lacking maintenance; dilapidation. Whenever the structure, or any portion thereof, because of dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse; or whenever any portion or member or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property; or whenever the building has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children; become a harbor for vagrants or criminals; or enable persons to resort thereto for the purpose of committing unlawful acts.
- b. Fire hazard. Whenever the dwelling unit, structure, or any portion thereof, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits or access to exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the enforcement officer to be a fire hazard.
- c. Unsanitary conditions. Whenever the dwelling unit, structure or any portion thereof, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or

arrangement, inadequate light, air or sanitation facilities, unclean fixtures, accumulation of garbage, refuse or combustibles, or otherwise, is determined by the enforcement officer to be unsanitary, unfit for occupancy or in such an unsound condition that it is likely to cause or harbor sickness or disease.

- d. Insect, rodent or other pests. Whenever the dwelling unit, structure or any portion thereof, has a substantial or severe insect, rodent or other pest infestation, rodent burrows, open sewage systems or lacks approved rodent proofing of the structure.
- e. Lack of basic facilities. Whenever the dwelling unit, structure or any portion thereof lacks water, hot water, approved electrical, heating or sewage disposal systems, or where the existing systems are unsafe for continued operation.
- f. Violations of other requirements. Whenever any dwelling unit, structure or any part thereof is:
 1. Constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such residential structure or structure provided by the state building code.
 2. Occupied by more occupants than provided by this chapter; and
 3. Is erected, altered or occupied contrary to law
- g. *Dangerous conditions.* Whenever, in the opinion of the enforcement officer, any other condition exists which is so dangerous to the safety or health of the occupants or the public as to justify condemnation of the structure as unfit for human occupancy. Such structure shall be deemed an unlawful structure and the enforcement officer may cause such structure or dwelling unit to be vacated.
- h. *Meth labs.* Law enforcement agencies that identified conditions associated with a clandestine drug lab site or chemical dump site which place neighbors, visiting public, or present and future occupants of the site at risk for exposure to harmful chemicals or other contaminants must promptly notify the city police chief or designated representative, the city fire marshal or designated representative, appropriate child protection agencies, and the appropriate health authorities. The notice must, at a minimum, identify the location of the site, the site owner, if known, and the conditions found on the site.
 1. Upon receipt of the notice provided for in Section 34.23(7)(h), the police chief and the fire marshal must promptly notify the following parties:
 - a. The owner of the property if known
 - b. Occupants of the property.
 - c. City enforcement officers in the department of safety and inspections.
 2. The notice must, at a minimum, include the location of the site, the name of the property owner, if known, the type and nature of the contamination, and the extent of the contamination.
 3. The enforcement officer must also cause a copy of the notice of condemnation to be posted at each appropriate access point to the site.
 4. The structure must be vacated immediately until it has been tested and deemed safe for occupancy by a company certified by the state to do testing and abatement of

hazardous material. The structure shall remain vacant until decontamination by a certified hazardous material company is completed.

5. Upon receipt of the notice and order, the owner will be responsible for the following:
 - a. Insure that the site and all surrounding areas determined to be at risk are properly vacated;
 - b. Engage an appropriate environmental testing firm to assess the extent of the contamination, monitor the clean up process, provide follow up testing after the completion of the clean up process, and certify that the risks of contamination have been sufficiently reduced to allow safe occupancy of the site;
 - c. Engage an appropriate contractor to properly clean the site in accordance with guidelines of the state department of health;
 - d. Provide the city with copies of all testing results and the clean up plan;
 - e. Keep the city regularly advised through the process of the testing and clean up;
 - f. Upon completion of the clean up process, provide the city with a copy of the certification from the testing firm that the site is fit for human occupation, and a written, signed statement that the clean up met all state department of health guidelines.
6. If the owner, after due diligence, cannot be located or has not commenced appropriate action toward the clean up of the site on or before the commencement date established by the order, or has not completed the process by the completion date established by the order, the city, its officials, employees and agents, are hereby authorized to enter the property for the purpose of abating the public nuisance through vacating, testing and cleaning the site, or completing that process, in accordance with the requirement of this chapter. When appropriate, the abatement process may include the demolition and removal of any hazardous building or structure.
7. The owner of the site is responsible for any and all costs incurred in the clean up of that site including, but not limited to, the costs of vacating the site and surrounding areas, testing, clean up, and public expenses.
8. Public expenses will include all costs that may be incurred by the city and other public agencies such as:
 - a. Laboratory fees;
 - b. Preparing and serving notices;
 - c. Preparing and serving the order;
 - d. Posting the site;
 - e. Vacating the site and other necessary properties;
 - f. Testing services;

- g. Clean up services;
 - h. Expenses incurred in recovering costs including all special assessment expenses;
 - i. Administrative fees;
 - j. All other costs associated with the clean up of the site.
9. Within thirty (30) days after receipt of an invoice from the city, the owner will submit payment in full of all city costs associated with the clean up project.
10. If the city has been unable to locate the owner, or the owner fails to submit timely payment to the city the city is authorized to collect its costs by assessing those costs against the property in the same manner as a special assessment which will be certified and collected in the manner of a special tax in accordance with applicable law.
- (8) Whenever, in the opinion of the enforcement officer, a residential property is deteriorated or dilapidated or unsanitary to the extent that a major rehabilitation is necessary or the condition at the initial inspection prohibits the inspector from making a complete or comprehensive inspection, the inspector may require a code compliance inspection. If the property is condemned as "unfit for human habitation," full compliance with the code compliance inspection may be required before reoccupancy is allowed.

Sec. 34.24. Excessive consumption of city services.

- (1) *Council findings.* The city council finds that some property owners take little or no responsibility for the maintenance of their property until the city, through its various inspections programs, has repeatedly ordered them to remedy violations of the property maintenance chapters of the Saint Paul Legislative Code. Such property owners create excessive costs for the city which are over and above the normal cost of providing inspection services city-wide. Property owners who must repeatedly be ordered to remedy code violations on their property consume an unacceptable and disproportionate share of limited city resources. Therefore, it is the intent of the city council, by the adoption of this section, to impose and collect the costs associated with reinspections and the excessive consumption of city inspection services. The collection of such costs for certain properties shall be by assessment against the real property requiring such excessive inspection or reinspection services, pursuant to Minnesota Statutes, Section 429.101, and chapter 14 of the Saint Paul City Charter.
- (2) *Definitions.* For the purpose of this chapter, the terms defined in this section shall have the meanings ascribed to them:

Excessive initial inspection means an inspection and observation of a new violation by an enforcement officer at a specific property address after an enforcement officer has conducted two (2) prior initial inspections within a twelve-month period and found violations of the Saint Paul Legislative Code under the jurisdiction of the department of safety and inspections, where the owner was notified in writing pursuant to section 34.24(3).

Excessive inspection services fee means the fee to be imposed for a reinspection or excessive initial inspection. The fee shall include, but not be limited to: the pro rata salaries of enforcement officers performing inspections of the subject property; the pro rata cost of equipment, materials and all other overhead costs used during inspection of the subject property, including ownership searches and administrative and clerical costs; and the costs of any medical treatment of enforcement officers injured as a result of these inspections.

Reinspection means that an enforcement officer has conducted an inspection of the premises based upon a complaint or otherwise had occasion to view the premises and observed a violation of any provision of the St. Paul Legislative Code under the jurisdiction of the department of safety and inspections issued a written notice

of the violation(s), and reinspected the premises to determine compliance with the notice and found noncompliance.

(3) *Initial inspection by enforcement officer; written notice.*

- a. Written notice of violations. When an enforcement officer conducts an initial inspection of a premises and determines that violations of the provisions of the legislative code under the jurisdiction of the department of safety and inspections exist, the enforcement officer shall, in addition to any other action the enforcement officer may undertake, serve written notice of the violation in conformance with the requirements set forth in section 34.21 of this chapter.
- b. *Notice for collection of reinspection costs and excessive initial inspection costs.* If the enforcement officer intends to collect the city costs for reinspections and excessive initial inspections, then the written notice provided for in sections 34.24.(3)(a) and 34.21 must also:
 1. State that if the violations are not corrected within the time period or periods required in the notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner or owners rather than being paid by the taxpayers of the city; and
 2. State that if additional new violations of the legislative code under the jurisdiction of the department of safety and inspections are discovered by enforcement officers within the next following twelve (12) months, the city's costs in conducting any additional inspections at the same location within such twelve (12) months will be collected from the owner or owners rather than being paid by the taxpayers of the city; and
 3. State that such future costs will be collected by assessment against the real property.

(4) *Excessive consumption of inspection services, fee and liability.*

- a. The city shall be entitled to collect its costs of enforcement from a property owner who consumes either reinspection services or excessive initial inspection services. An excessive consumption of either reinspections or excessive initial inspection services occurs after:
 1. Written notice of a violation is served under section 34.24.(3) following an initial inspection; and
 2. One additional initial inspection is performed at the same location within a consecutive twelve-month period after the first initial inspection for which a notice of violation was served; and
 3. During each of the two initial inspections under subparagraph (3), the enforcement officer finds violations of the Saint Paul Legislative Code under the jurisdiction of the department of safety and inspections which are new violations; or
 4. Written notice of a violation is served under section 34.24.(3) following an initial inspection; and
 5. The enforcement officer conducts an inspection after the due date for compliance on the notice and determines that the violation still exists.
- b. A flat fee of one hundred twenty two dollars (~~\$120.00~~ \$122.00) may be charged for each inspection under the circumstances described under section 34.24(4).
- c. No fee under section 34.24.(4)(a) shall be charged where the city has issued a written

notice pursuant to section 34.24.(3) but has abated the violation under section 45.10 or 45.11 of the Saint Paul Legislative Code and assessed the costs of such abatement under section 45.11.1 of the Saint Paul Legislative Code.

- d. The amount of the excessive consumption of inspection services fee shall be a debt owed to the city and shall be collected by special assessment under the authority in Minnesota Statutes, Section 429.101 and the Charter by the procedure outlined in Chapter 60 of the Saint Paul Administrative Code.
- e. Action under this section does not preclude any other civil or criminal enforcement procedure.

Sec. 34.25. Stay of enforcement/penalty.

- (1) *Voluntary vacation of premises.* No penalty shall be imposed upon any owner who serves written notice upon the legislative hearing officer stating an intent to permanently vacate the premises within thirty (30) days. Written notice must be filed with the hearing officer within ten (10) days from the date on which the placard was placed on the property and shall include proof that notice of eviction was served upon the occupants of the condemned premises.
- (2) *Stay pending appeal.* Enforcement proceedings or orders to correct violations shall be held in abeyance if the owner shall file an appeal to the legislative hearing officer within ten (10) days of receiving the written order issued by the enforcement officer, except in the case of an order to vacate a structure which is deemed to be in an unsafe condition and dangerous to life or limb. The enforcement officer shall proceed to order the building vacated until it is made safe or a final determination is made by the legislative hearing officer allowing reoccupancy of the building. Abeyance of enforcement proceedings shall continue until such time as the hearing officer or Building Official shall have issued a final determination or in the event the owner should not perfect the appeal in a timely fashion.

Sec. 34.26. Conflict with other ordinances.

In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, chapter or code of this city, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail provided that the regulation is consistent with the State Building Code.

Sec. 34.27. Administrative liability.

No officer, agent or employee of the city shall be rendered personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties under this chapter. No person who institutes, or assists in the prosecution of a criminal proceeding under this Code shall be liable in damages therefor unless they have acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of their duties under this chapter shall be defended by the city attorney until the final determination of the proceedings therein.

Sec. 34.28. Procedure.

In addition to the punishments provided in this chapter, the city, through the officer charged with the enforcement of the various provisions of this chapter, or any other person, may seek enforcement thereof in any court of competent jurisdiction by any appropriate form of civil action and may seek to enjoin any continued violation thereof and seek to compel obedience thereto by mandatory orders and writs.

Sec. 34.29. Termination of tenancy.

No tenancy of a residential structure or dwelling unit covered by this Code may be terminated because of the commencement of an action pursuant to this chapter or because of the report to the proper code enforcement authorities of a condition believed to be in violation of this Code.

Sec. 34.30. Appeals.

Any person affected by any provision of this chapter may appeal to the Legislative Hearing Officer as provided in Chapter 18 of the Saint Paul Legislative Code.

Sec. 34.31. Nonresidential, industrial, commercial and institutional uses. The following sections apply to all nonresidential, industrial, commercial and institutional uses.

Sec. 34.32. Property areas; exterior standards on nonresidential, industrial, commercial and institutional properties.

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 in a clean, safe and sanitary condition, free from any accumulation of refuse, garbage, mixed municipal solid waste, animal feces (including pigeon droppings) or putrescibles refuse.
- (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 kept in a professional state of maintenance and repair and maintained structurally sound and in good repair. All exterior wood surfaces shall be maintained in a state of good repair, 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.
- (4) *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.
- (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 (1) 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- and two-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.

- (9) *Parked or stored vehicles.* All existing parking spaces shall consist of asphalt, concrete, gravel, rock, or other durable and dustless surfaces. Existing parking surfaces must be maintained in a professional state of repair and may be maintained with like materials without additional approval from the city. Existing parking surfaces must be contained to eliminate migration onto other adjacent surfaces and must be clearly delineated. Before any existing spaces may be expanded upon, 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.

Sec. 34.33. Structures-Exterior standards on nonresidential, industrial, commercial and institutional properties.

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

- (1) *Foundations, wall, roof and other exterior surfaces.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a professional state of maintenance and repair.
- a. The foundation elements shall adequately support the building at all points.
- b. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which admit dampness to the interior portions of the walls or to the interior spaces.
- c. All exterior wood surfaces, other than decay-resistant woods, and previously painted non-wood surfaces shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment.
- d. The roof shall be weather tight and have no defects which admit rain, and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls. kept in a professional state of maintenance and repair, impervious to water and have no defects which admit water or dampness to the interior of the building. No building roof shall be used for storage of any materials or objects unless approved by the enforcement officer.
- (2) *Stairs, porches, decks and railings.*
- a. Every outside stair, every porch and deck shall be constructed safely and shall be capable of supporting a load as determined in the building code and shall be kept in sound condition and good repair. a professional state of maintenance and repair with proper anchorage and capable of supporting the imposed loads. Every stairway, porch, deck or step

which is more than thirty (30) inches above grade shall have guardrails and intermediate rails, no more than six (6) inches apart or in accordance with the ~~current building code or maintained in accordance with the building code in effect when originally constructed.~~ If deemed hazardous by the enforcement officer it shall be brought into compliance with state building code in effect at the time of construction or as altered/modified under an approved building permit.

- b. ~~Every flight of stairs shall have handrails in accordance with the building code or shall be maintained in accordance with the state building code under which it was constructed.~~ be maintained in a professional state of maintenance and repair and in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit. Every required handrail and guard shall be firmly fastened and capable of supporting imposed loads and shall be maintained in a professional state of maintenance and repair and in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.
- e. ~~Stairs, steps, porches, decks, handrails, balustrades and guardrails deemed hazardous by the enforcement officer shall be corrected in accordance with the building code or be maintained in accordance with the building code specifications under which it was originally constructed, if deemed hazardous.~~

(3) *Windows, doors and hatchways.* Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

- a. ~~Windows shall be fully supplied with window panes which are without open cracks or holes,; sashes shall be in sound condition and fit reasonably tight within the frame and windows; and windows other than a fixed window shall be capable of being easily opened and have hardware to hold it in the open position. Locking hardware shall be required on all windows up to and including the second story and on every other window which is accessible by an adjacent stairway, deck, porch, or other walking surface.~~
- b. ~~Every exterior door and its hardware shall be in sound condition and fit reasonably well within its frame.~~ Sashes shall be in sound condition and fit reasonably tight within the frame; and
- c. ~~Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.~~ Every window, other than a fixed window, shall be capable of being easily opened and be able to be held in the open position.
- d. ~~Every exit door shall be capable of being opened from the inside, easily and without the use of a key, in accordance with the building code.~~ All windows shall be maintained in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.
- e. All screens shall be maintained in a professional state of maintenance and repair.
- f. Every exterior door and its hardware shall be in sound condition, fit within its frame and maintained in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.
- g. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.
- h. Every exit door shall be capable of being opened from the inside, easily and without the use of a key, in accordance with the building code in effect at the time of construction or as

altered/modified under an approved building permit.

- (4) *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.

Ground cover. All 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. (C.F. No. 05-740, § 1, 9-14-05)

Sec. 34.34. Same-Interior standards on nonresidential, industrial, commercial and institutional properties.

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

- (1) *Structural members.* The supporting structural members shall be maintained structurally sound, showing no evidence of deterioration and capable of bearing imposed loads in accordance with the provisions of building code or in accordance with the building code under which it was originally constructed, in effect at the time of construction or as altered/modified under an approved building permit.
- (2) *Stairs.* ~~Every stairwell shall be constructed safely and be capable of supporting a load as determined in the building code, or must be maintained in accordance with the building code which was in effect when the stairs were originally constructed. All stairs shall be kept in sound condition and good repair. Every stairway, porch, deck or step which is more than thirty (30) inches above grade shall have guardrails and intermediate rails no more than six (6) inches apart and in accordance with the building code or maintained in accordance with the building code in effect when originally constructed and maintained in a professional state of repair or if altered brought into compliance with the state building code. If deemed hazardous by the enforcement officer the stairway or stairway components shall be brought into compliance with the state building code. Every flight of stairs shall have handrails in accordance with the building code or shall be maintained in accordance with the building code under which it was constructed. Stairs, steps, handrails, balustrades and guardrails deemed hazardous by the enforcement officer shall be corrected in accordance with the building code.~~ Every stairwell shall be kept in a professional state of maintenance and repair, be constructed safely and be capable of supporting a load in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit. Every stairway, porch, balcony, or deck shall have guardrails.
- (3) *Bathroom floors.* Every toilet room and bathroom floor surface shall be kept in a professional state of maintenance and repair and be constructed and maintained substantially impervious to water to permit such floor to be easily kept in a clean and sanitary condition.
- (4) *Sanitation.* The interior shall be maintained in a clean and sanitary condition, free from any accumulation of refuse or garbage ~~which constitutes an unsanitary, unsafe, nuisance or hazardous condition.~~
- (4) *Insect and rodent harborage.* Every owner of a structure shall be responsible for the extermination of insects, rodents, ~~vermin~~ or other pests wherever infestation exists.
- (5) *Interior walls, etc.* Interior walls, floors and ceilings must be maintained in a sound condition and in a professional state of repair.

Sec. 34.35. Same-Basic facilities standards on nonresidential, industrial, commercial and institutional properties.

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

following requirements:

- (1) *Plumbing:*
 - a. Connected to water and sewer system. Every kitchen sink, hand sink, bathtub, shower, toilet or urinal which is supplied must be connected to an adequate water and sewer system in accordance with the plumbing code. Each of these facilities shall be supplied with running water. Every kitchen sink, hand sink, bathtub or shower shall be supplied with adequate hot and cold running water in accordance with the plumbing code.
 - b. Plumbing fixtures and systems. In every structure, every waterline, plumbing fixture, drain, stack, waste, vent and sewer line shall be properly installed, connected and maintained in working order and must be kept free from obstructions, leaks and defects and capable of performing the function for which it was designed. All repairs and installations must be made in accordance with the provisions of the plumbing code.
- (2) *Water heating facilities.* All water heating facilities shall be installed in accordance with the plumbing and mechanical codes, properly maintained and properly connected with hot water lines required under paragraph (1) of this section. An adequate amount of water shall be available at every kitchen sink, hand sink, bathtub, shower and laundry facility or other similar units in accordance with the plumbing code.
- (3) *Heating facilities.* Every building's building or occupied portion of a building shall have heating facilities that are properly installed, safely maintained and in good working condition, and capable of safely and adequately heating all habitable spaces located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit with an outside temperature of minus twenty (-20) degrees Fahrenheit. The owner shall maintain a minimum room temperature of sixty-eight (68) degrees Fahrenheit. Installation, repair or alteration of heating facilities, space heaters and water heating facilities shall be in accordance with the Legislative Code, Chapter 33, and the state mechanical code. The enforcement officer may require the owner of the property to provide current proof of service of any heating or space heating facility by a licensed contractor, which must include a carbon monoxide reading. Every space heating, cooking and water heating device located in a structure shall be properly installed, connected, maintained and capable of performing the function for which it was designed in accordance with the provisions of the plumbing and mechanical codes.
- (4) *Refuse and garbage storage and removal.* The owner or operator of every building shall supply adequate approved containers with covers impervious to weather for storage of refuse and garbage and adequate removal.
- (5) *Electrical.*
 - a. Electrical service must be adequate to safely meet the electrical needs of the structure and occupancies. Every electrical outlet, fixture and all wiring shall be installed, maintained and connected to the source of electric power in accordance with the ~~provisions of the electrical code.~~ building code in effect at the time of construction or as altered/modified under an approved building permit.
 - b. Every common hall and inside stairway in every structure shall be adequately lighted at all times in accordance with ~~exit requirements of the state building code.~~ the building code in effect at the time of construction or as altered/modified under an approved building permit.

Sec. 34.36. Structure standards; installation and maintenance on nonresidential, industrial, commercial and institutional properties.

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

following requirements:

- (1) *All facilities and equipment.* All required equipment and all building space and parts in every structure shall be constructed and maintained to properly and safely perform their intended function in accordance with the provisions of the applicable code.
- (2) *Use and operation of supplied fixtures.* Every occupant of a commercial or industrial structure shall keep the supplied fixtures and equipment therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

SECTION 2

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