

CHAPTER V – BUILDING, LAND USE & REGULATIONS

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ORDINANCE 505 HOUSING, MAINTENANCE AND RENTAL ORDINANCE

Section 505.01: PURPOSE AND SCOPE.

Subd. 1: The purpose of this ordinance is to protect the public health, safety, and the general welfare of the people of the City. These general objectives include, among others, the following:

- a) To protect the character and stability of residential areas within the City;
- b) To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings within St. Joseph;
- c) To provide minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of occupants of buildings;
- d) To provide minimum standards for light and ventilation, necessary to health and safety;
- e) To prevent the overcrowding of dwellings by providing minimum space standards per occupant for each dwelling unit;
- f) To provide minimum standards for the maintenance of existing residential buildings;
- g) To preserve the value of land and buildings throughout the City.
- h) To assure that rental housing in the City is decent, safe and sanitary, and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvest in the community.
- i) To insure owners and/or operators of rental units are responsible to take such reasonable steps as are necessary to assure that the citizens of the City who occupy or live by such rental units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, quiet, secure and sanitary; free from crimes and criminal activity; and free from nuisances and annoyances.

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Subd. 2 Intent. The intent of this Ordinance is to establish and continue a rental property licensing, inspection and maintenance program that corrects substandard conditions, maintains a standard for rental units, provides a means for imposing license fees to help the City defray the costs necessary for housing inspections and enforcement of this Ordinance, and provides for the quiet enjoyment of the normal activities of life for occupants of rental properties and for the neighborhoods in which such rental properties are located.

Subd. 3. Saving Clause. With respect to rental disputes, and except as otherwise specifically provided by the terms of this ordinance, it is not the intention of the City Council to intrude upon the fair and accepted contractual relationship between tenant and landlord. The City Council does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to be receptive to complaints from tenant or landlord which is not specifically and clearly relevant to the provisions of this ordinance. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of City government. In enacting this ordinance neither is it the intention of the City Council to interfere or permit interference with legal rights to personal privacy.

Section 505.02: APPLICABILITY AND EXCEPTIONS.. This Ordinance applies to all rental units that are let, in whole or in part, and used or intended for human habitation. It includes accessory structures such as garages and storages buildings. This Ordinance does not apply to any residential dwelling on the campus of the College of Saint Benedict, and county, state, or federally licensed facilities/units.

Section 505.03: DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this ordinance:

Accessory Structure. A structure subordinate to the main or principal dwelling which is not authorized to be used for living or sleeping by human occupants and which is located on the premises.

Building. Any structure erected for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Code Official. The official who is charged with the administration and enforcement of this Ordinance, or any duly authorized representative.

Dwelling. A building, wholly or partly used or intended to be used for living, sleeping, cooking or eating purposes by human occupants; but not including rest homes, convalescent homes, nursing homes, hotels, motels, facilities licensed by the State of Minnesota as institutional occupancies or dormitories. May also be called a residence or residential building.

Dwelling Unit. A residential accommodation providing complete independent living facilities for one family only, including sleeping, kitchen and bathroom facilities.

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Egress. An arrangement of exit facilities to assure a safe means of exit from a building.

Exit. A continuous and unobstructed means of egress to a public way. Exit includes intervening doors, corridors, ramps, stairways, and courts.

Electrical code. The national electrical code, which is part of the building code adopted by the city.

Extermination. The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other approved pest elimination.

Family. An individual or two (2) or more persons each related to the other by blood, marriage, domestic partnership, adoption, legal guardianship (including foster care), or a group of not more than three (3) persons not so related maintaining a common household and using common cooking and kitchen facilities.

Fire code. The part of the building code adopted by the city.

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

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Habitable Room. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Heated Water. Water heated to a temperature of not less than 110 degrees Fahrenheit, measured at the faucet outlet.

Immediate Family Member. An individual related to the owner as parent, grandparent, spouse, child or grandchild, whether related by birth, adoption, marriage, civil partnership, or cohabitation.

Infestation. The presence of insects, rodents, or other pests within or around the dwelling on a premises.

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

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Let. To give the use of a dwelling, dwelling unit or rooming unit by an owner, agent or manager to an occupant in return for rent.

Manager. The owner or owner's agent who has charge, care, control or management of a building or rental unit(s), or part thereof in which dwelling unit(s) or rooming unit(s) are let.

Mechanical code. Part of the building code adopted by the city.

Multiple family dwelling. A dwelling or portion thereof containing three or more dwelling units.

Nuisance. Nuisance is:

1. Any nuisance as defined by this Ordinance or other provision of this code.
2. Any nuisance as defined by state or federal law or regulation.
3. Any public nuisance known at common law or in equity jurisprudence.
4. Any attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building or on an unoccupied lot, including but not limited to any abandoned well, shaft, basement or excavation; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; and any lumber, trash, debris or vegetation that may prove a hazard to children.
5. Whatever is dangerous to human life or is detrimental to health as determined by the building official.
6. Overcrowding a room with occupants.
7. Insufficient ventilation or illumination.
8. Inadequate or unsanitary sewage or plumbing facilities.

Occupant. Any person (including owner or manager) living, sleeping, cooking and eating in dwelling unit or living and sleeping in a rooming unit.

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

Owner. Any person, agent, operator, firm or corporation 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 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.

Permissible occupancy. The maximum number of persons permitted to reside in a dwelling unit or rooming unit.

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

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

Plumbing Code. Part of the building code adopted by the City.

Premises. A platted lot or part thereof or un-platted parcel of land, either occupied or unoccupied by any dwelling or nondwelling structure, including such building, accessory structure or other structure thereon.

Public Hall. A hall, corridor or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one family.

Refuse. All putrescible and nonputrescible waste solids including garbage and rubbish.

Rent. A stated return or payment for the temporary possession of a dwelling, dwelling unit or rooming unit. The return or payment may be money, service, property or other valuable consideration.

Rental/Owner agent. A person who is the representative of an owner of rental property. A rental agent must live within 30 miles of the corporate limits of the city. A rental agent may or may not be the manager of the rental property. A rental agent shall not be a tenant of the rental property, unless that person is a manager of an apartment building. Notices or orders served on a rental agent shall be deemed to have been served on the owner of the property.

Rental Dwelling or Dwelling Unit. Any dwelling, dwelling unit, rooming unit, or multiples thereof on one property and the related premises which are subject to this Ordinance.

Rental Property. Any real property, dwelling, dwelling unit, rooming unit or rental unit which is rented or leased by one person or entity to another person or entity for payment of a rental charge, including but not limited to dwellings, apartments, townhouses, condominiums, manufactured homes, rooming houses, and other similar structures, including their accessory structures, appurtenances and common areas.

Repair. To restore to a sound and acceptable state of operation, serviceability or appearance.

Rodent Harborage. Any places where rodents can live, nest, or seek shelter.

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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 and eating purposes.

Rubbish. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery and similar materials.

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

Substandard dwelling. Any dwelling which does not conform to the minimum standards established by City Ordinances.

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

Section 505.04: LICENSING OF RENTAL UNITS.

Subd. 1. License and Registration Required. No person shall occupy, allow to be occupied or let to another for occupancy any rental property in the City for which a written application for a rental license and registration has not been properly made and filed with the City and a valid rental dwelling license has not been obtained from the City. A person who allows to be occupied, lets or offers to let to another, any rental unit, without a license as required by this Ordinance, is guilty of a misdemeanor and subject to the penalty as provided in Ordinance 104. The practice of pre-leasing multiple family residential (apartment building) new rental construction shall be exempt from the provision of this subsection. In addition to, or in lieu of, charging a misdemeanor, the City may impose an administrative penalty in an amount set in the City of St. Joseph Schedule of Civil Fines.

- a) A rental license is not required if the rental unit is only occupied by immediate family members of the owner. A rental license is required if the rental unit is occupied by any non-immediate family members of the owner. The City may require sufficient written proof from the owner stipulating the relationship and living agreements.
- b) Any “Lease to Own” type arrangement is considered a rental and must be licensed and registered as such until such time as the purchase transaction is completed.
- c) These rental license and registration requirements do not apply to residential property that has been sold on a contract for deed so as long as the vendee occupies the property and the sale document used to memorialize the sale is recorded with the Stearns County Recorder’s Office and a copy is provided to the City upon request.

Subd. 2: Application. A registration and license fee for each rental dwelling shall be due at the time of the initial and/or renewal application as determined by the City of St. Joseph Fee

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Schedule. An application will not be processed or considered until the registration and license fee is paid.

Subd. 3: Registration License Procedures. Application shall be made on form(s) provided by the City. Applicants shall provide requested information on the application form(s) which shall include the following, but is not limited to:

- a) Name, address and phone number of the owner of the rental property, and, if applicable, of an agent authorized by the owner to accept service of process and to receive and give receipt for notices. The owner shall provide the City with any contact information changes occurring within the license period.
- b) Owner shall indicate their assigned agent, and provide the address and phone number of the agent actively managing said rental property.
- c) Street address of the rental property and the number of dwelling units, and the number of bedrooms in each dwelling unit.
- d) The number of paved off-street parking spaces available.
- e) Name, phone number and address of the person authorized to make or order repairs and/or services necessary to protect the health, safety, and welfare of the occupants or is able to contact the person so authorized.
- e) Maximum number of people per rental dwelling.
- f) Additional information as deemed necessary by the City, including but not limited to tenant lists which includes tenant's name and unit.

Subd. 4: Manner of Application. Rental registration and license application for a rental license shall be made by the owner if such owner is a natural person; if the owner is a corporation, cooperative, or limited liability company, by an officer thereof; if a partnership, by one of the partners; and if the owner is an unincorporated association, by the manager or managing officer thereof.

Subd. 5: Required Updates. An applicant or licensee must notify the City in writing within fourteen (14) calendar days after any change to the information contained in the Application.

Subd. 6: Registration/License Term and Renewal. All rental licenses shall expire on August 1st of each year. An owner who is operating a rental property after the license has expired is operating an unlicensed rental property. Registration and License renewal as required by this Ordinance shall be made by the owner or agent of the rental property completing and submitting to the City the required application form(s) furnished by the City, along with the fee as established in the City's Fee Schedule. A rental renewal registration and license shall be applied for at least 30 days prior to expiration of the license.

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Subd. 7: Denials. The City may deny the issuance or renewal of a rental license for the following reasons:

- a) The applicant has an ownership interest or management role in other rental properties that are in a suspended or revoked status;
- b) The applicant fails to provide any information required on the City's form(s), or provides false or misleading information;
- c) The applicant has real estate taxes and/or special assessments levied against the rental property and/or other fines, fees, charges, or other financial claims owed to the City or the State of Minnesota that have not been paid;
- d) The rental property or any rental unit fails a property inspection in the opinion of the Code Official;
- e) The applicant has outstanding building, fire, or property maintenance standards violations, fines, penalties, or delinquent utility charges owed to the City.
- f) A development contract or land use requirement that restricts rental units.

Subd. 8. Inspections. All rental property required to be licensed pursuant to the provisions of this Ordinance, will be inspected by the Code Official as follows:

- a) **License Issuance.** No license shall be issued under this Ordinance unless the rental property conforms to the Ordinances of the City of St. Joseph and the laws of the State. An inspection of the rental unit shall be conducted and verified by the Code Official prior to issuance of the initial rental license and renewal rental license. If the license application is incomplete, or the applicant does not meet the requirements of the licensing process, including the inspection requirements, within 30 days of the submittal date, the application will be canceled.
- b) **Access for Inspection.** Every applicant for and/or holder of a rental license shall permit the Code Official and/or his or her authorized representatives, either voluntarily or pursuant to an administrative or other warrant, to enter upon the premises for the purpose of conducting inspections to verify compliance with this Ordinance. No license shall be issued or renewed under this Ordinance unless the owner of the rental unit(s) agrees in their application to permit inspections to determine compliance with City Code during the effective period of the rental license. The submission of a license application, or the possession of a license issued by the City, shall constitute the express consent of the owner to grant free access and entry to the structure or premises under the owner's control for inspection pursuant to this chapter. If any owner refuses to permit or schedule free access and entry to the structure or premises under their control for such inspection, or refuses to be present during any such inspection when requested by

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the Code Official, the application for a new or renewal rental license shall be immediately denied or an existing license may be revoked for such refusal. If at any other time the Code Official seeks entry to a licensed rental unit for inspection and the Code Official is refused free access and entry, the City may pursue any remedy at law, including, but not limited to, securing an administrative search warrant for the property, revoking or suspending the rental license, or seeking such other remedies provided by law.

Subd. 9: Transfers. No license under this Ordinance shall be transferable to another person or to another rental unit. Every new owner of a rental property (whether as fee owner, contract purchaser, lessee subletting the entire rental property or otherwise entitled to possession) shall apply for a new rental license within fourteen (14) calendar days of transfer of the rental property. An inspection shall be made within 14 days of the application for such new rental license due to transfer. Violation(s), if any, shall be corrected by the owners and a re-inspection will be made within 30 days of the initial inspection. Additional re-inspections required after the initial re-inspection will be charged a re-inspection fee according to the City fee schedule. Any uncorrected violations may be subject to the penalty provisions in this Ordinance.

Section 505.05: UNSAFE STRUCTURES, EQUIPMENT AND USE. When a structure, portion of a structure, or equipment is found by the Code Official to be unsafe, or found to be used in an unlawful way, such structure, equipment or use shall be abated by repair, rehabilitation, demolition, or removal in accordance with the Minnesota State Building Code and Minnesota Statutes, sections 463.15 to 463.26. The Code Official may order any building to be vacated if any portion of the structure, or equipment or any use is dangerous to life, health, or safety of the occupants. The Code Official shall have the authority to order disconnection of utility services to the building, or equipment.

- a) **Unsafe Structure:** An unsafe structure is one that if found to be dangerous to the life, health, property or safety of the occupants or public because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment.
- b) **Unsafe Equipment:** Unsafe equipment includes fixtures, appliances, heating and/or cooling equipment, ventilation equipment, electrical equipment or systems, plumbing fixtures or systems, decorative appliances and equipment, elevators or chair lifts, or building services which constitute a fire, electrical, or health hazard or otherwise dangerous to human life.
- c) **Unsafe Use:** Unsafe use is any use which constitutes a fire, health or safety hazard to the occupants or public.

Section 505.06: SPACE, OCCUPANCY AND USE STANDARDS. Any rental unit or portion thereof, or the premises on which the same is located, which does not comply with the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby declared to be an unsafe structure, equipment or use. Failure to comply with any of these standards and

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conditions shall be adequate grounds for the denial, refusal to renew, revocation or suspension of a rental license.

Subd. 1. Space and Occupancy. No rental unit shall be occupied by more than the number of persons for which the unit is approved, based on International Residential Code (IRC) or International Building Code (IBC) requirements, which number shall be designated in conjunction with the issuance of the rental license.

- a) No person shall let to another for occupancy any dwelling unit by more than one family as defined in this Ordinance, except in a dwelling unit in an apartment building in the R-3 Multiple Family Residential District.
- b) Minimum Ceiling Height. Habitable rooms or spaces shall have clear ceiling height of not less than 7 feet. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.
- c) Room Area. Every living room shall contain at least 120 square feet and every bedroom or sleeping room shall contain at least 70 square feet.
- d) Width. No habitable room other than a kitchen shall be less than seven (7) feet in any dimension.

Subd. 2. Kitchen Facilities. Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked and which shall have adequate circulation and which shall be equipped with the following:

- a) A kitchen sink in good working condition and properly connected to an approved water supply system and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sewer system.
- b) Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not require refrigeration for safekeeping; and a counter or table for food preparation. Said cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.
- c) A stove or similar device for cooking food, and a refrigerator or similar device for the safe storage of food at temperatures less than forty-five (45) degrees Fahrenheit but more than thirty-two (32) Fahrenheit under ordinary maximum summer conditions,, which are properly installed with all necessary connections for safe, sanitary, and efficient operation; provided that such stove, refrigerator, or

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similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator or similar device must be provided. A kitchen facility and/or cooking appliances, other than a microwave oven are not permissible in a rooming unit.

Subd. 3. Lighting. All enclosed areas of the rental unit being used or occupied shall be provided with natural light by means of exterior glazed openings or shall be provided with artificial light by the buildings electrical systems.

- a) Public hallways, corridors, stairways and other exit facilities shall be lighted at all times the building is used or occupied.

Subd. 4. Ventilation. Every habitable room shall be provided with either an approved mechanical ventilation system or natural ventilation. Natural ventilation may be by means of operable exterior openings such as a window, door, skylight or other approved opening. Every bathroom must be provided with either a mechanical exhaust or an openable window.

Subd. 5. Sanitation. All sanitary facilities shall be installed and maintained in a safe and sanitary condition in accordance with applicable requirements of the Minnesota State Plumbing Code.

- a) All dwelling units must have access to a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.
- b) Bathroom Access: In a rental dwelling unit, the bathroom shall have an entrance door which affords privacy. No occupant shall have to pass through another occupant's room to use the bathroom facility.
- c) Bathroom Separation: Every water closet, bathtub or shower required by this Ordinance shall be installed in a room that will afford privacy to the occupant. Bathrooms shall be separated from the food preparation areas by a tight fitting door.
- d) Floor Coverings: Bathroom floors shall have a smooth, hard nonabsorbent surface such as vinyl, tile, vinyl sheet goods, ceramic tile or sealed concrete. Floor surfaces shall be maintained in good condition so the floor can be maintained in a sanitary condition.

Subd. 6. Mechanical/Heating.

- a) Rental units shall be provided with heating appliances capable of maintaining a room temperature of 64 degrees Fahrenheit at a point three (3) feet above the floor in all habitable rooms, bathrooms and water closet compartments. Heating

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appliances shall be installed and maintained in a safe condition and in accordance with their listings. Un-vented fuel-burning appliances are not permitted. All heating devices or appliances shall be of an approved type.

- b) Every fuel-burning appliance shall discharge the products of combustion to the exterior through an approved factory-built chimney, masonry chimney or vent that is approved by the appliance manufacturer. Chimneys or vents shall be designed for the type of appliance being vented.
- c) Exhaust vents, pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant or occupant.
- d) Hazardous Mechanical Equipment: Mechanical equipment that was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or mechanical equipment that has not been maintained in good and safe condition shall be considered hazardous and removed, replaced or repaired.

Subd. 7. Electrical.

- a) Every habitable room shall be provided with at least one switched light and 2 duplex outlets. Every water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric light fixture and one convenience outlet. Outlets within 6 feet of a sink or bathtub shall be Ground Fault Interrupted (GFI) outlets.
- b) Extension cords shall be used only with portable appliances and shall not be used as a substitute for permanent wiring. Extension cords shall be plugged directly into an approved outlet, power tap or multi-plug adapter and shall, except for approved multi-plug extension cords, serve only one portable appliance. The amp capacity of the extension cord shall not be less than the rated capacity of the portable appliance supplied by the cord and shall be grounded when serving a grounded appliance. Extension cords shall be maintained in good condition without splices, deterioration or damage. Extension cords and flexible cords shall not be attached to the structure, extend through walls, ceilings, or floors or under doors or floor coverings, or be subject to environmental or physical damage.
- c) A clear and unobstructed means of access with a minimum width of 30 inches, a minimum height of 78 inches, and a distance of 30 inches in front shall be maintained from the operating face of an electrical service panel, meter or switchboard. Occupants shall at all times have free access to the service panel for their dwelling unit. All exposed wiring must be secured by approved methods. All

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electrical boxes must have cover plates and the cover plates must not be cracked or broken. Outlets must meet the requirements of the National Electrical Code.

- e) Electrical wiring that was installed in violation of the Minnesota State Electrical Code requirements in effect at the time of installation or that has not been maintained in good condition or that is not being used in a safe manner shall be considered a hazardous or unsafe use and shall be repaired, replaced or removed.

Subd. 8. Plumbing. All plumbing fixtures shall be an approved type, properly installed, free of leaks and maintained in a safe, sanitary and functional condition.

- a) All plumbing fixture drains shall be connected to a sanitary sewer or to an approved private sewage disposal system.
- b) All water supply fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation. All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.
- c) Plumbing System Leaks: Leaking drain or supply lines shall be repaired or replaced.
- d) Plumbing System Hazards: Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or to the structure by reason of inadequate service, inadequate venting, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects or hazard to be corrected.
- e) Cross Contamination: The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture or provided with approved backflow prevention devices as required by the Minnesota State Plumbing Code. Hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

Subd. 9. Means of Egress.

- a) Rental units shall have access directly to the outside or to a common hallway, public corridor, exit passageway, or exit stair enclosure which provides access to an exterior exit door. An exit shall not pass through a hazardous area such as a furnace room, boiler room, storage room, private garage or similar areas.
- b) Means of egress system shall be deemed as meeting the intent of this Ordinance, provided that the means of egress system or systems is evaluated by the Code Official and judged to be equivalent to the means of egress system that was required by the Minnesota State Building and/or Fire Code that was in effect at the time the building was constructed. This includes, but is not limited to, number of exits,

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separation of exits, egress illumination, emergency egress illumination, exit signage, rated corridors, doors, hardware and egress travel distance.

- c) Obstruction of Egress. Means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous. All egress routes shall be properly maintained in a safe manner.
- d) Security. When an exit door provides security from unlawful entry, the door shall be provided with a dead-bolt lock or approved locking device which is operable from the inside without the use of a key, special knowledge, or effort. Double cylinder dead bolt locks are permissible in accordance with MN Statute 326B.106 Subd.4 (g) on existing single family homes, individual dwelling units of townhouse buildings, and first floor duplexes used exclusively as a residential dwelling.
- e) Fire Department Key Box. Fire Department Key Box and building keys shall be maintained in accordance with the MN State Fire Code.

Subd. 10 Life Safety.

- a) Fire Extinguishers. All rental units shall be equipped with a rechargeable fire extinguisher with a minimum rating of 2A 10BC. The extinguisher(s) shall be located in conspicuous locations along the normal path of travel where they will be readily accessible and immediately available for use in accordance with the Minnesota State Fire Code. Fire extinguishers shall be serviced at least annually or as required by the Code Official. A tag with the name of the servicing company and the service date shall be affixed to the extinguisher and shall remain affixed until the next servicing.
- b) Smoke Alarms. Smoke alarms shall be provided, powered and maintained in accordance with the requirements of the Minnesota State Fire Code. Smoke alarms must be replaced when they exceed ten (10) years from the date of manufacture and remain operational at all times the building is used or occupied.
- c) Buildings constructed on or after 6-2-2015: Hardwired with battery back-up and interconnected in hallways outside sleeping rooms, in each sleeping room, on each level and in basements.
- d) Buildings constructed on or after 8-1-1989: Hardwired smoke alarms in hallways outside all sleeping rooms, on each level and in basements.
- e) Buildings constructed before 8-1-1989: Battery powered smoke alarms in hallways outside all sleeping rooms, on each level and in basements.
- f) Fire Sprinkler and Alarm Systems. All existing fire sprinkler, standpipe and fire alarm system piping, wiring, panels, notification devices, detection devices, sprinkler

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heads and applicable equipment, components and system monitoring shall be operational and properly maintained in accordance with their original approval and applicable Minnesota State Fire Code requirements. Fire alarm systems shall be tested at least annually. Test reports shall be maintained on the premises and a copy of each test shall be filed with the fire chief.

- g) Fire Resistive Construction. Existing fire resistive construction, assemblies, components and associated hardware shall be properly maintained in accordance with their original approval and applicable Minnesota State Fire Code requirements.
- h) Carbon Monoxide Alarms. Carbon Monoxide alarms must be provided in accordance Minnesota Statute 299F.50 and the Minnesota State Fire Code. A minimum of one approved and fully operational carbon monoxide alarm must be installed within ten (10) feet of each room lawfully used for sleeping purposes. If sleeping rooms are located on separate floors or separate areas on the same floor, additional carbon monoxide alarms would be necessary within ten (10) feet of each sleeping room. Carbon Monoxide alarms must be properly maintained in accordance with the manufacturer's requirements and installed in accordance with the manufacturer's installation requirements and MN Statute 299F.51.
- i) Emergency Escape Openings. Basements, habitable attics, and every sleeping room below the fourth story shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room but not in adjoining areas of the basement. Emergency egress and rescue openings must comply with the Building Code in affect at the time the building was constructed. In the event that there was no Building Code or the date of construction is unknown, emergency egress and rescue openings must comply with the requirements for existing buildings in the Minnesota State Fire Code as follows:
 - 1. Escape window openings shall have a minimum net clear opening area of 4.5 square feet.
 - 2. Opening height and width dimensions shall not be less than 20 inches.
 - 3. The maximum height from the floor to window sill opening shall not exceed 48 inches.
 - 4. Emergency escape window are allowed under decks and porches provided the window opening is not obstructed and there is a clear unobstructed path not less than 36 inches in height from the window opening to a yard or court.
 - 5. Window Wells. The minimum horizontal area of the window well shall

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be 9 square feet with a minimum dimension of 36 inches. The area of the well shall allow the window to be fully opened. Window wells with a vertical depth of more than 44 inches shall be equipped with an affixed ladder or steps. Ladders or steps shall not encroach into the required dimensions of the well by more than 6 inches and shall not obstruct the window opening.

SECTION 505.07 GENERAL REQUIREMENTS.

Subd. 1. Building Construction. Building construction, such as roofs, walls, floors, structural elements and components shall be properly maintained in safe, sound and good working condition present no visual dangerous conditions to human life or property.

Subd. 2. Stairs/Decks. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Subd. 3. Handrails. Stairways with four or more risers or ramps steeper than 1/12 slope within rental units shall have a continuous, full-length, grip-able handrail located not less than 30 inches and not more than 42 inches measured vertically above stair nosing on at least one side of the stair. Existing handrails that are firmly fastened, maintained in good condition are allowed to remain as they are. Existing stairs not provided with any handrails shall have handrails installed as required for new construction.

Subd. 4. Guardrails. Unenclosed floors, platforms, open sides of stairways, landings, decks, balconies, porches or occupied roofs which are more than 30 inches above grade or floor below shall be protected by a guardrail. Guards shall form a protective barrier not less than 42 inches high except for any the following:

- a) Guards within dwelling units shall not be less than 36 inches high.
- b) Guards on open stairs within dwelling units shall not be less than 34 inches measured vertically from the stair nosing.
- c) Existing guards of buildings designated as historic structures.
- d) Existing guards that are firmly fastened, maintained in good condition and constructed at a height which was in compliance with the State Building Code when originally built are allowed to remain as they are.
- e) Opening limitations: Open guards shall have balusters or ornamental patterns such that a 6-inch sphere cannot pass through any opening up to a height of 34 inches except for existing guards which were in compliance with the Minnesota State Building Code when originally constructed.

Subd. 5. Windows. Windows shall be kept in sound repair, good condition and weather tight. Emergency escape windows must also comply with this Ordinance.

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- a) Operable windows shall be easily openable and capable of being held open by approved means.
- b) Window glazing shall be maintained free from cracks and holes.
- c) Insect screens shall be free of tears and holes and in good working condition.

Subd. 6. Doors. All door assemblies and hardware must be maintained in good condition, shall fit reasonably well within its frame and must be capable of being opened and closed.

Subd. 7. Refuse. The property owner or property manager shall provide an adequate number of refuse containers to contain the amount of refuse produced on the property or as required by local refuse ordinance. Containers shall be rodent and animal proof with a tight fitting cover.

Subd. 8. Storage Items. Flammable or combustible items and materials shall not be stored within three (3) feet of any fuel burning appliances. Storage of items shall be orderly and shall not block or obstruct exits. A minimum three (3) foot aisle shall be maintained to all exits, furnaces, water heaters, water meters, gas meters or other building service equipment.

Subd. 9. Flammable and Combustible Storage. Fuel Storage tanks such as LP tanks, gasoline containers and fueled equipment, including but not limited to motorcycles, mopeds, lawn-care equipment and portable cooking equipment, shall not be stored or repaired in an apartment building or rental unit except in a room constructed for that purpose in accordance with the Minnesota State Fire Code

Subd. 10. Building Identification. Every building shall have the assigned street numbers displayed on the building in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall be no less than four (4) inches in height and shall contrast with the background on which they are displayed.

Subd. 11. Exterior Finish. The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary.

- a) All foundation walls shall be free from open cracks, holes and breaks and capable of supporting the imposed loads.
- b) All above grade exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- c) All roofs shall be sound, tight and not have defects that admit rain and must prevent dampness or deterioration in the walls or interior of the structure.

Subd. 12. Built In Deficiencies. It is determined that certain conditions within existing buildings, lawful at the time of construction of the building, and not creating a hazardous

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condition, may not comply with the minimum requirements of the Space, occupancy and use standards of this Ordinance. Such conditions are referred to as “built in deficiencies”, and the code official, in administering this Ordinance, may consider built in deficiencies as being beyond reasonable correction and accept them as an alternate method of meeting the intent of this section.

Subd. 13: Responsibility for Pest Extermination. Owners of dwelling units shall be responsible for the extermination of vermin infestations and/or rodents on the premises.

Subd. 14: Rodent Harborage Prohibited in Occupied Areas. No owner or occupant of a dwelling or dwelling unit shall accumulate boxes, lumber, scrap metal, or any other similar materials in such a manner that may provide a rodent harborage in or about any dwelling or dwelling unit.

Subd. 15: Prevention of Food for Rodents. No owner or occupant of a dwelling or dwelling unit shall store, place or allow to accumulate any materials that may serve as food for rodents in a site accessible to rodents.

Subd. 16: Removal of Snow and Ice. The owner of a rental property dwellings shall be responsible for the removal of snow and ice from parking lots, driveways, steps and walkways on the premises. Individual snowfalls of three inches or more, or successive snowfalls accumulating to a depth of three inches, shall be removed from parking lots and driveways within 24 hours after cessation of the snowfall.

Subd. 17: Minimum Exterior Lighting. The owner of a rental property dwellings shall be responsible for providing and maintaining effective illumination in all exterior parking lots and walkways.

Subd. 18: Maintenance of Driving and Parking Areas. The owner of rental property shall be responsible for providing and maintaining in good condition parking areas and driveways for tenants as mandated by City Ordinances.

Subd. 19: Maintenance of Yards. The owner of a rental property shall be responsible for providing and maintaining premises' yards as mandated by City Ordinances.

Subd. 20: Discontinuance of Service or Facilities. No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this ordinance, to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

Subd. 21: Motor vehicles. No inoperable or unlicensed motor vehicle or “abandoned vehicle” as defined and governed in City Ordinance shall be parked, kept or stored outside of a completely enclosed structure on any rental property.

Subd. 22: Defaced property. It shall be the responsibility of the owner to restore any

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portion of a rental dwelling or rental property that has been damaged, mutilated or defaced by the placing of any marking, carving or graffiti on any structure.

Section 505.08: ENFORCEMENT AND INSPECTION AUTHORITY. The Building Inspector and his/her designate agents shall be the Code Official who shall administer and enforce the provisions of this Ordinance and who is hereby authorized to cause inspections on a scheduled basis for rental units, or otherwise when reason exists to believe that a violation of this Ordinance has been or is being committed. Inspections shall be conducted during reasonable daylight hours and the Code Official shall present evidence of authorization to the occupant in charge of a respective dwelling unit.

Section 505.09: DISPLAY OF LICENSE. Every licensee of a rental property shall conspicuously display at all times on the premises a copy of the current license as filed with and approved by the City. This license shall be located on the premises so as to be easily viewed and readable by the occupants of the rental property and shall be reasonably protected from wear by a plastic cover or similar protective device.

Section 505.10: INSPECTION; RIGHT OF ENTRY. In order to compel the compliance with the licensing requirements, the Code Official shall have the authority to enter any building at reasonable times upon five (5) days' written notice to the owner or agent to determine if said building is operated as a "rental property" as defined in this Ordinance or to enforce the Property Maintenance Standards, or both. In those cases where emergency conditions endangering a person or property exist, where either the Police Department or the Fire Department has responded to a rental property, the Code Official will have the authority to enter any building at any time by the request of the St. Joseph Police Department or the St. Joseph Fire Department to enforce any provisions of this Ordinance. Failure to schedule or allow a request by the Code Official for an inspection shall result in rejection of the application or renewal, and if access is denied the City may pursue remedies at law including an administrative search warrant.

Section 505.11: APPLICABLE LAWS. Licensees shall be subject to all of the provisions of the ordinances of the City and the laws of the State relating to rental units; and this Ordinance shall not be construed or interpreted to supersede any other such applicable ordinance or law.

Section 505.12: PENALTY, VIOLATIONS AND TERMINATION OF RENTAL LICENSE.

Subd. 1. Penalty and Violations. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any provisions of City Ordinance. Any person who fails to comply with any of the requirements of this Ordinance shall be prosecuted within the limits provided by local and state laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Subd. 2. Penalty. A violation of any provision of this Ordinance is a misdemeanor and also subject to an administrative citation in accordance with City Ordinance.

Subd. 3. Violation. Whenever the Code Official determines that a violation of City

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Ordinance has occurred, notice shall be given to the licensee or person responsible for the violation by U.S. mail or personally. Such notice shall be in writing, include a statement of the violation or violations and why the notice is being issued, include a correction order allowing a reasonable time to make the repairs or improvements and inform the licensee or person responsible of their right to appeal.

Subd. 4. Re-inspection Fee. The Code Official may re-inspect the rental property described in the notice to certify that all corrections have been made.

- a) First Re-inspection: One re-inspection will be allowed to certify that all corrections of any violation(s) have been made.
- b) Second Re-inspection: If the violation has not been corrected and the Code Official must return for additional re-inspections, a re-inspection fee as set forth by the City Fee Schedule will need to be paid prior to the Code Official returning to re-inspect the property. Additional re-inspections will be subject to additional re-inspection fees.

Subd. 5. Suspension and Termination of Rental License. The City may suspend or revoke a license or not renew a license for part or all of a facility at any time the Code Official can determine that any owner, person, firm, corporation or partnership subject to this Ordinance has failed to comply with the provisions of this Ordinance by means such as:

- a) False or misleading information given or provided in connection with the license application or renewal.
- b) Failure to correct violations in the time period prescribed.
- c) One or more violations of any rules, codes, statutes or ordinances related to, pertaining to, or governing the license or use of the premises, including but not limited to, violations of Chapter 10 Nuisance and Offenses of the City Code on the licensed property. The City Council may consider the severity and number of violations originating on the property when determining the appropriate suspension period or termination.
- d) Failure to pay all real estate taxes and special assessments levied against the rental property and/or other fines, fees, charges or other financial claims owed to the City or the State of Minnesota.
- e) Failure to allow an inspection of a rental property pursuant to this Ordinance.
- f) Failure to provide updated application information during the license period.
- g) Commission of a felony related to the licensed activity by the property owner or manager.

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- i) Violation of an owner's duties under Minnesota statutes sections 299C.66 to 299C.71.
- j) Failure to comply with any part of this Ordinance.

Subd. 7. Notification. A decision to suspend a license shall be effective immediately upon notice to the licensee. A decision to revoke, deny or not renew a license will be preceded by written notice to the applicant, or licensee. Notice shall be in writing, include a statement of the violation or violations and why the license is being revoked, suspended, denied or not renewed.

Subd. 8. Request for Hearing. If a hearing is desired by the licensee, the licensed owner must affirmatively request an evidentiary hearing in writing, to be received by the City Administrator. If such written notice is received by the City Administrator prior to expiration of the time specified for compliance, the City shall set a time for such hearing and shall inform the owner of the time and place at which the City Council will meet to consider such testimony as may be offered concerning the proposed violation. This hearing shall be evidentiary in nature and conducted before the St. Joseph City Council, which shall determine whether an ordinance or statutory violation did occur, warranting revocation or suspension of the rental license. The determination of the City Council shall be final and subject only to any rights of review or appeal to the State courts as provided by statute. If a request is not made prior to expiration of the time specified for compliance, the right to an evidentiary hearing is deemed waived.

Subd. 9. Non-Compliance. In the event that a rental license is suspended by the Code Official, it shall be unlawful for the owner or the duly authorized agent or manager to thereafter permit any new occupancy of vacant or thereafter vacated rental units until such time as a rental license is restored. In the event compliance has not been completed within the time provided, or a hearing has not been requested by the owner in writing, the Code Official shall recommend to the City and the City Council may terminate the license. In the event that a rental license is revoked by the City Council, it shall be unlawful for the owner or the duly authorized agent or manager to thereafter permit any rental occupancy until such time as a rental license may be restored by the City Council. When a rental license is revoked, the property shall be vacated as of the effective date of the revocation and remain vacated until restoration of the license. In the case of suspension, restoration shall occur automatically upon re-inspection if compliance is completed prior to revocation. In the case of revocation, restoration of the license shall occur only after the owner of the premises has made application for a new license, paid a new license fee and passed a property maintenance inspection. The new license may then be issued upon completion of the revocation period.