

PLANNING COMMISSION AGENDA
April 21, 1997
7 p.m.

ROLL CALL: Tom Brace ___ **Wayne** Groff ___ Alex Hanschen ___ Paul Kuettel ___
Irene Struck ___ **Wendy** Treadwell ___ Betty Wilcox ___
Sue Gehrz ___

- A. CALL TO ORDER
- B. APPROVAL OF MINUTES
February 24, 2997
- C. CITY COUNCIL MINUTES
- D. BUSINESS
 - 1. Discussion regarding adoption of a housing code.
- E. ADJOURN

City of Falcon Heights
Planning Commission Minutes
24 February 1997

Commissioners present:

Wendy Treadwell
Paul Kuettel
Irene Struck
Betty Wilcox

Commissioners absent:

Wayne Groff
Alex Hanschen
Tom Brace

Also present:

Sue Gerhz, Mayor and commission liaison
Susan Hoyt, City Administrator

The meeting was called to order at 7:20 PM with the arrival of Commissioner Wilcox and the presence of a quorum.

Commissioner Struck moved approval of the minutes from the January 27, 1997 meeting. Commissioner Wilcox seconded the motion. The motion passed unanimously.

Discussion on conditions related to a pool hall use.

Administrator Hoyt reported that she had talked with the city's police chief, police detective and prosecuting attorney about conditions related to pool halls as the commission had directed her at the January meeting. She reported that the prosecuting attorney suggested that the city review and revise its licensing criteria for recreational game uses to include some of the items used in other cities. He said that having a progressive warning system for documented police incidents interrupting the peace would be workable in the license. Administrator Hoyt said that she would be reviewing the license requirements and bringing revisions back to the commission. She noted that the commission does not typically play a role in reviewing city licenses. However, given the relationship between the license and the conditional use of a pool hall, it would be appropriate to bring the proposed license criteria back to the commission.

Public hearing and adoption of an ordinance amending the zoning code to provide spacing requirements for licensed residential facilities. Administrator Hoyt reviewed the reason for the proposed ordinance revision which is to maintain a normal residential environment for residents of licensed residential facilities as stated in state statute and to bring the comprehensive plan and zoning code into conformance. Acting Chair Treadwell opened the public hearing at 7:28 PM. No members of the public were present. Acting Chair Treadwell closed the public hearing at 7:29 PM. Discussion followed. Commissioner

Kuettel moved to approve the ordinance amending the zoning code. Commissioner Struck seconded the motion. The motion passed unanimously.

Discussion on a proposed amendment to the zoning code related to requiring that all lots be developed with lot frontage on an improved public street unless they are part of a PUD. Administrator Hoyt explained that many cities have requirements that lots only be developed on an improved public street unless they are part of a planned unit development with private internal streets. She said that there are a few lots in Falcon Heights that might be able to be "split" and have two homes with a shared private drive. The commission discussed this and requested more information before proceeding with any action.

Update on the proposed business loan program.

Administrator Hoyt said that the council had authorized her to research a low interest loan program for business properties to improve their signs. She said that the non-financial requirements for such a program would be reviewed with the planning commission for their conformance to the city's comprehensive plan.

Commissioner Kuettel moved to adjourn the meeting. Seconded by Struck. The meeting was adjourned at 7:28 PM.

Respectfully submitted,

Susan Hoyt
City Administrator

**CITY OF FALCON HEIGHTS
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 26, 1997**

Mayor Gehrz convened the meeting at 7:04 p.m.

PRESENT

Gehrz, Jacobs, and Kuettel. Also present were Hoyt, Asleson, and Maurer.

ABSENT

Hustad (arrived later); Gibson Talbot

COMMUNITY FORUM

There was no one wishing to take advantage of the community forum.

MINUTES OF FEBRUARY 26, 1997 and MARCH 5, 1997

Both sets of minutes were approved by unanimous consent.

CONSENT AGENDA APPROVED

Motion was made by Councilmember Kuettel to approve the following consent agenda. Motion passed unanimously.

1. Disbursements
2. Licenses
3. Request for authorization to hire a streetsweeper for the city's spring and fall streetsweeping
4. Awarding contracts for tree removal and incidental tree trimming for 1997
5. Authorization to purchase fax machine

POLICY AGENDA

RETURN OF BID BOND TO HARD DRIVES, INC.

Engineer Maurer reported that bids had been opened for the Lindig Street project and would be formally presented after the adoption of the assessment roll. One of the bidders submitted an irregular bid in that the bid was faxed rather than mailed as required. That company, Hard Drives, has requested that their bid be formally withdrawn and their bid bond returned due to this irregularity.

Motion was made by Councilmember Jacobs to authorize the withdrawal of the bid of Hard Drives and return their bid bond. Motion passed unanimously.

CONSIDERATION OF A RESOLUTION PREPARING THE ASSESSMENT ROLL FOR THE LINDIG STREET PUBLIC IMPROVEMENTS

Engineer Maurer reported that the proposed resolution would authorize the engineer and the clerk to prepare the assessment roll for the Lindig Street assessments. The proposed assessment roll would reflect \$1400 per lot for the mill and overlay portion of the project and \$26.50 per front foot for the street reconstruction and storm sewer portion.

Motion was made by Councilmember Jacobs to approve Resolution 97-08, ordering preparation of the assessment roll. Motion passed unanimously.

Councilmember Hustad arrived at 7:13 p.m.

CONSIDERATION OF A RESOLUTION SCHEDULING A PUBLIC HEARING ON THE LINDIG STREET ASSESSMENTS

Engineer Maurer stated that a public hearing on the Lindig Street project is required prior to adoption of the assessment roll. The hearing is proposed for May 14, 1997.

Motion was made by Councilmember Kuettel to approve Resolution 97-09, scheduling a public hearing for May 14, 1997. Motion passed unanimously.

REPORT FROM THE ADMINISTRATOR REGARDING THE GIS JOINT POWERS AGREEMENT

Administrator Hoyt reported that Falcon Heights had been invited to participate in a county-wide Geographic Information Systems (GIS) joint powers agreement for the use of Ramsey County data. After reviewing the cost of membership and the potential use of the data by the city, staff is recommending that the city not join the group at this time. There is the possibility of joining at a later date if there would be a benefit to membership. Falcon Heights is not the only city that has declined membership. The city council agreed that the technology's benefit did not outweigh the cost to the city at this time.

ADJOURNMENT

The meeting adjourned at 7:36 p.m.

Susan L. Gehrz, Mayor



Carla Asleson
Recording Secretary

ITEM: Discussion regarding a housing code

SUBMITTED BY: Carla Asleson, Administrative Assistant/Planner

EXPLANATION/DESCRIPTION:

Summary. Consider a housing code to guarantee the tools available for the health and safety of the city's housing stock.

Action Requested. Recommend the adoption of a Housing Code to the City Council.

What is a housing code?

A housing code is a tool used in conjunction with fire, building, and zoning codes to protect the health, welfare, and safety of the community. It provides minimum standards for maintenance and sanitation of housing units of any age and contains requirements to prevent overcrowding within housing units. Some examples of items covered in a housing code include: requirements for heat and electrical connections, standards for light and ventilation, requirements for extermination of vermin, and standards for egress and security locks.

Why is the planning commission being asked to consider a Housing Code?

First of all, Falcon Heights' aging housing stock and inner-ring suburban location make it important for the city to have the enforcement tools it may need to deal with blighted single and multi-family residential properties. Staff estimates that there are approximately three to four single family properties which, although not presently blighted, are in fair to poor condition from a "curbside" view. Secondly, the staff receives between three and six calls each winter from apartment residents reporting that they have insufficient heat in their building. Without a housing code, the city has no means to assist these residents. Third, the Ramsey County Health Department has in the past requested that cities consider adopting a housing code so that their inspectors have the means to enter suspected "garbage house" nuisance situations. Because of these factors, the City Council has made adoption of a housing code one of its action items for 1997.

How is a housing code different than other kinds of codes already used?

Zoning Code. A zoning code sets out restrictions on the use of land in a specific jurisdictions, city, township, or county. It addresses how a structure must be located on a site and its height, open space, and access requirements. It does not address the general condition of the structure. A housing code addresses these basic maintenance issues, such as requirements for heat, water, and ventilation.

The items addressed by a housing code are the same from city to city and, therefore, most city housing codes are similar. This is very different from a zoning code, which is written with the land use development of a particular jurisdiction in mind. For example, Falcon Heights' zoning code reflects a denser residential development than the Arden Hills zoning code for most single family neighborhoods because of its development characteristics.

Fire Code. The fire code covers both new and existing structures. It requires that buildings be properly constructed and maintained so as to reduce the risk of fire. It guarantees ingress and egress for persons to get out of a building in case of a fire. It does not address health and sanitation issues.

The Fire Marshal annually inspects the common areas of all multi-family complexes for conformance to the Uniform Fire Code. Individual units are inspected on a complaint and an as-requested basis. The fire code inspections are a useful tool to get into structures to evaluate their condition and determine if there are potential non-fire code issues to deal with.

Building Code. The Uniform Building Code (UBC) applies to new construction and remodeling. It is not applied retroactively because construction standards change over time. For example, most 1950's homes would not meet the UBC (this does not make them unsafe.) The UBC does allow the city limited ability to deal with structurally unsafe buildings. However, the UBC does not deal with basic housing maintenance issues, such as providing heat or water to a dwelling unit.

How is a housing code used?

A housing code can be used in a number of different ways. At a minimum, it can be used to respond to complaints or city identified concerns about possible substandard housing conditions in both single family homes and in multi-family buildings. Housing codes grant authority to the city to enter and inspect dwelling units when the city has reason to believe that a violation exists. Without a housing code, the city lacks easily identifiable authority to gain access to a housing unit without the consent of the property owner or tenant.

Some cities, such as Fridley, Vadnais Heights, and Mounds View, have apartment licensing programs which include annual housing inspections of multi-family units. In Falcon Heights, are 449 multi-family units (duplex and above) in 35 buildings.

A third use of a housing code is for point-of-sale inspection programs, more commonly known as Truth in Housing. This is used in the cities of Minneapolis and St. Paul. Before a person is allowed to sell residential property, the structure must pass a housing inspection. Minneapolis and St. Paul have this program in order to assure that structures being sold meet basic housing maintenance standards to guarantee a safe and sanitary housing stock. The seller is not required to bring the structure up to current building code (UBC) requirements.

How might a Housing Code be used and enforced in Falcon Heights?

Outside of the concerns regarding heat, there have been just three housing concerns over the past eight years, all involving single family dwellings. Therefore, initially, the housing code would be used to respond to housing maintenance complaints and for concerns identified by the city staff. These might be found by the Fire Marshal on the annual fire inspections in apartment buildings. As the housing stock ages further, there may be more housing maintenance related problems. At that time, the city could consider annual apartment inspections and point-of-sale inspections. Having a housing code in place will make this transition to an enforcement program easier, should the transition be necessary.

The city's building official has experience and training in the enforcement of housing codes. He currently provides housing code assistance to the cities of Newport and St. Paul Park. Because there are so few housing related complaints, he could perform housing enforcement duties in addition to his building inspection duties at no additional cost to the city.

How will the housing code be implemented?

The housing code will be incorporated as a separate chapter in the city code. It does not require a public hearing for adoption because it is not an amendment to the zoning code.

A first draft of a housing code is attached. It was written using housing codes from the cities of Edina, Richfield, and Vadnais Heights. It is included so that the planning commission can get an idea of what a Falcon Heights housing code might look like. Following the planning commission meeting, it will be refined and given to the building inspector and city attorney for review. The planning commission will be given a copy of the revised document for their review and recommendation prior to submission to the city council.

What are the staff's conclusions and recommendations?

A basic housing code provides reasonable and specific requirements to assure that the city's housing is safe and sanitary. Given the well-maintained and stable character of Falcon Heights' housing stock, a housing code would be best used to handle those infrequent cases when a complaint is registered or when city staff believes there is a hazardous dwelling. If conditions in the housing stock were to change, the city's enforcement strategy could be changed at that time. Therefore, staff recommends that a housing code be adopted for use in both single and multi-family housing units and that enforcement of the code be limited to those cases where a complaint is registered or when city staff or the county health department becomes aware of possible violations.

Action Requested of the Planning Commission

- Staff report and brief review of draft housing code
- Questions
- Discuss the need for a housing code and possible applications of it
- Make recommendation to proceed with adopting a housing code

Definitions

- A. Approved. Constructed, installed, and maintained in accordance with this chapter or other pertinent division of this Code.
- B. Basement. A floor level of a building which is located partly or completely underground.
- C. Cellar. That portion of a dwelling between floor and ceiling which is below or partly below grade, the floor of which is more than four feet below the average grade of the adjoining ground.
- D. Compliance Official. The Building Inspector and his designated agents authorized to administer and enforce this chapter.
- E. Dwelling. A building, or portion thereof, designed or use predominantly for residential occupancy of a continued nature, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels or motels.
- F. Dwelling Unit. A single residential accommodation which is arranged, designed, used or, if vacant, intended for living, sleeping, cooking, and eating. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.
- G. Extermination. The control and elimination of insects, rodents, vermin, other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; or by poisoning, spraying, fumigating, trapping, or similar means.
- H. Flush Water Closet. A toilet bowl flushed with water under pressure with a water-sealed trap above the first level.
- I. Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
- J. Habitable Room. A room designed to be used for living, sleeping, eating, or cooking, excluding bathrooms, toilet compartments, closets, halls, and storage areas, and workshops, hobby, and recreation areas accessory to a dwelling unit.
- K. Kitchen. A space which contains a sink with counter space, adequate space for installing cooking and refrigeration equipment, and adequate space for the storage of cooking utensils.
- L. Multiple Family Dwelling. A dwelling or portion thereof containing three or more dwelling units.
- M. Occupant. Any person over two years of age including owner or operator living, sleeping, cooking, and eating in a dwelling unit.

- N. Operator. The owner or his agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units are let.
- O. Owner. Any person, firm, or corporation who alone, jointly, or severally with others shall be in actual possession of, or have charge, care or control of, any dwelling or dwelling unit as owner, employee or agent of the owner, or as trustees or guardian of the estate or person of the title holder. Any such person representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as the owner.
- P. Person. An individual, firm, partnership, association, corporation, or joint venture or organization of any kind.
- Q. 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 features and the installation thereof, together with all connections to water, sewer, and gas lines.
- R. Premises. A platted lot or part thereof or unplatted parcel of land, either occupied or unoccupied by any dwelling or nondwelling structure, including such building, accessory structure, or other structure thereon.
- S. 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 dwelling unit.
- T. Refuse. All putrescible and nonputrescible waste solids including garbage and rubbish.
- U. Repair. To restore to a sound and acceptable state of operation, serviceability, or appearance.
- V. 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.
- W. Safety. The condition of being reasonably free from danger and hazards which may cause accidents or disease.
- X. Supplied. Paid for, furnished by, provided by or under the control of the owner, operator, or agent of a dwelling.

Minimum Standards for Basic Equipment and Facilities

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

- A. Kitchen Sink. Every dwelling unit shall contain a kitchen sink in good working condition and property connected to an approved water and sewer system.
- B. Kitchen Refrigerator. Every dwelling unit shall contain a working refrigerator which provides for the safe storage of food at temperatures less than 50 degrees but more than thirty-two (32) degrees Fahrenheit under outside temperature conditions of 100 degrees Fahrenheit.
- C. Kitchen Stove. Every dwelling unit shall contain a stove for the safe cooking of food which is in good working condition and properly connected to an approved electrical or gas service.
- D. Privacy Room. Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition and property connected to an approved water and sewer system.
- E. Lavatory Basin. Every dwelling unit shall contain a lavatory basin in good working condition, property connected to an approved water and sewer system, and located in the same room as the required flush water closet, or as near to that room as practicable.
- F. Bathtub. Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and property connected to an approved water and sewer system.
- G. Hot and Cold Water Lines. Every kitchen, sink, lavatory basin, and bathtub or shower under the provisions of this subsection shall be connected with both hot and cold water lines in a manner meeting the requirements of the applicable sections of this code.
- H. Refuse Disposal. Every dwelling unit shall have adequate refuse disposal facilities or storage containers whose type and location meet the requirements of this code.
- I. Water Heating Facilities. Every dwelling shall have water heating facilities which are installed in an approved manner, are maintained and operated in safe and good working condition, are properly connected with water lines, and are capable of heating water to such as temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of no less than 120 degrees Fahrenheit.
- J. Egress. Every dwelling unit in a one or two story dwelling shall have at least one (1) approved means of egress leading to a safe and open space at ground level. Every dwelling unit in a multiple dwelling shall have immediate access to two (2)

or more approved means of egress leading to a safe and open space at ground level.

- K. Door Locks. The doors of every dwelling unit shall be equipped with safe, functioning lock devices, including at least one (1) dead bolt locking device that cannot be retracted by end pressure, provided, however, that such door shall be operable from the inside without the use of key or any special knowledge or training.

Minimum Standards for Light, Ventilation, and Heating

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

- A. Window or Skylight. Every habitable room in a dwelling unit shall have at least one window or skylight facing directly to the outside. At least one-half of each window or skylight shall be easily opened unless some other comparable method of ventilating the room is provided. Windows and skylights are not required in non-habitable rooms such as bathrooms, water closet compartments, and laundry rooms if said rooms are equipped with a ventilation system approved by the Building Official.
- B. Heating Facilities. Every dwelling and dwelling unit shall have heating facilities which are installed in an approved manner, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located in the dwelling unit to a temperature of at least 68 degrees Fahrenheit at a distance three feet above floor level, when the temperature outside is minus 20 degrees Fahrenheit. Such heating equipment shall be operated to maintain a temperature in all habitable rooms of not less than 68 degrees Fahrenheit.
- C. Lighting in Public Hallways and Stairways. Every public hall or stairway in or leading into every multiple dwelling shall have a minimum of 10 foot-candles of illumination, measurable with a standard light meter at floor level in halls and at tread levels on stairways, at all times when the structure is occupied.
- D. Electricity. Every dwelling unit shall be supplied with electricity and shall meet the following requirements:
1. Every habitable room shall contain one electrical convenience outlet for each 20 lineal feet, or major fraction thereof, measured horizontally around the room at the baseboard line, provided that in each room one ceiling-type electric light fixture may be substituted for one of the required electrical convenience outlets.
 2. Every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one ceiling or wall-type electric light fixture.
 3. Every outlet and fixture shall be installed in an approved manner and

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maintained in good and safe working condition.

General Requirements for Maintenance of Dwellings and Dwelling Units.

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

- A. Exterior Wall, Foundation, and Roof. Every foundation, exterior wall, and roof shall be substantially weathertight, watertight, and rodent proof. The following conditions shall be promptly repaired or replaced:
 - 1. Deteriorated, crumbling, or loose plaster.
 - 2. Deteriorated, or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
 - 3. Defective, or lack of, weather protection including lack of paint, or weathering due to lack of paint or other protective covering. If more than 25% of the exterior surface of a wood structure is unpainted or unprotected or as determined by the Building Official to be paint blistered and in need of protection, it shall be painted or protected.
 - 4. Broken, rotted, split, or buckled exterior walls or roof coverings.
- B. Interior Walls, Ceilings, and Floors. Every floor, interior wall, and ceiling shall be kept in sound condition and good repair.
- C. Windows, Exterior Doors, and Basement Hatchways. Every window, exterior door, and basement hatchway shall be reasonably watertight, weathertight, and rodent proof and shall be kept in sound working condition and good repair.
- D. Stairways. Every inside and outside stairway shall be maintained in safe and sound condition and good repair.
- E. Plumbing. Every plumbing fixture and water and waste pipe shall be installed in compliance with this chapter and shall be maintained in working condition, free from defects, leaks, and obstructions.
- F. Floor Material. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonable impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- G. Equipment, Facilities, and Utilities. Every facility, piece of equipment, or utility which is required under this chapter shall be so constructed and installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- H. Continuity of Facilities, Utilities, and Equipment. No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from, shut off, or discontinued in any occupied dwelling or dwelling unit, except for such temporary interruption as may be necessary while

actual repairs or alterations are in process, or during temporary emergencies.

Minimum Space, Use, and Location Requirements.

- A. Space Requirements. No person shall occupy or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:
1. It shall contain at least 150 square feet of floor area for the first occupant and at least 100 additional square feet of floor space for every additional occupant, with floor space calculated on the basis of total habitable room area.
 2. At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet, and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum possible occupancy of the dwelling unit.
- B. Basement Requirements. No basement space shall be let as a habitable room and no basement space shall be used as a dwelling unit unless:
1. The floor and walls are impervious to leakage of underground and surface water runoff and are free from dampness;
 2. The total amount of light furnished in each room is equal to at least the minimum amount of light as required in **section ____ subd. A.**
 3. The facilities for ventilation in each room are equal to at least the minimum required under section **____ subd. A and B.**
- C. Cellar Space. No cellar space shall be used as habitable room or as a dwelling unit.

Responsibilities of Owners and Occupants.

- A. Shared or Public Areas. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises.
- B. Occupant Responsibility. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises which the occupant occupies and controls.
- C. Occupant Waste Control. Every occupant of a dwelling or dwelling unit shall dispose of all refuse of such occupant and other organic waste which might provide food for insects and rodents, in a clean and sanitary manner, by placing it in the refuse disposal facilities or containers required by **section ____ subd. H.**
- D. Occupant Plumbing Responsibility. Every occupant of a dwelling unit shall keep all

plumbing in the dwelling unit in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of all plumbing.

- E. Extermination Control. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests in the dwelling unit or on the premises. Every occupant in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever such occupant's dwelling unit is the unit primarily infested. Notwithstanding the foregoing provisions, whenever infestation is caused by a failure of the owner or operator to maintain a dwelling in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the owner and operator. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the share of public parts of any dwelling containing two or more dwelling units, extermination of the infested areas shall be responsibility of the owner.

Enforcement of Housing Code

- A. Inspections Authorized. Compliance officials shall enforce the provisions of this code and are hereby authorized to make inspections when reason exists to believe that violation of this chapter has been or is being committed. For the purpose of make such inspections, the compliance official is authorized to enter, examine, and survey all dwellings, dwelling units, and premises upon which the same are located, at all reasonable times. The owner, operator, and occupant of every dwelling and dwelling unit shall give the compliance official free access to such dwelling or dwelling unit and its premises for the purpose of such inspection, examination, and survey. Every occupant of a dwelling shall give the owner of it, or the owner's agent or employee, access to any part of the dwelling or its premises, at all reasonable times, for the purpose of make the repairs or alterations as are necessary to comply with the provisions of this code.
- B. Enforcement of Housing Code.
1. Notice of Violation. Whenever the compliance official determines that there has been a violation of any provision of this code, he shall give notice of such alleged violation to the person or persons who are or may be responsible for it as enumerated in _____. The notice shall:
 - (a) Be in writing;
 - (b) Specify the violation(s) alleged to exist or to have been committed and the repairs or improvements necessary to bring the dwelling or dwelling unit into compliance with the provisions of this code;
 - (c) Provide a reasonable time, but not less than 10 days in any event, for the correction of the violation(s) specified;
 - (d) Be addressed to and served upon the owner of the property, the operator of the dwelling, and the occupant of the dwelling unit, if the occupant is or may be responsible for the violation.

- (e) Inform persons concerned of their rights of appeal under this chapter.

Notice shall be served on the owner, operator, agent, or occupant of the dwelling either personally or by certified mail, addressed to the last known place of residence of the owner, occupant, operator, or agent. If upon attempt to locate owner, occupant, operator, or agent none can be found, notice may be posted on or near the dwelling or dwelling unit or premises described in the notice.

- C. Imminent Hazard; Temporary Condemnation. Whenever the compliance official finds any dwelling or dwelling unit which does not conform to the standards established by this chapter, and further finds (i) that by reason of such nonconformity it presents an imminent and serious hazard to public health, or to the health of the occupants in it, and (ii) that the repairs or improvements required to remove such hazard does not appear reasonably possible within a time which will be adequate to eliminate such imminent hazard, then the written notice of violation provided for in **subd. 3** of this section shall also state that the premises are unfit for human habitation and shall order that the dwelling or dwelling unit be vacated either immediately or after such period of time as the compliance official shall find reasonable in view of the circumstances, pending the completion of action to eliminate such hazard. In such case the notice shall be served by delivering a copy to the person in real or apparent charge and control of the dwelling unit and by posting the same at a conspicuous place upon the structure. In the case of a hazard which affects more than one unit in a multiple dwelling residence, service shall be made upon such an occupant of each unit, except that failure to make service upon one unit shall not affect the validity or effect of service of notice upon an occupant of other units. Such notice shall state that persons aggrieved may appeal such notice.
- D. Failure to Correct Deficiencies. Whenever notice has been given in accordance with **subd. B** of this subsection and the person(s) responsible have failed to correct the deficiencies specified within the time allowed, the compliance official may either:
- (a) Extend the time for correction of the deficiencies; or
 - (b) Serve upon the owner and occupant a written notice requiring that the dwelling or dwelling unit be vacated because it is unfit for human habitation.

The notice requiring vacation shall (i) state the violation(s) which remain uncorrected, and (ii) provide a reasonable time, but not less than ten days within which to vacate the premises. The written extension of time or notice to vacate may be served personally or by registered mail, return receipt requested, delivered to the addressee only. If upon attempt to locate owner and occupant none can be found, notice requiring vacation of the premises may be posted on or near the dwelling, dwelling unit, or premises described in the notice.

- E. Secure Unfit and Vacated Dwellings. The owner, operator, or agent of a dwelling or dwelling unit which has been declared unfit for human habitation or which is otherwise vacant for a period of thirty (30) days or more, shall make same safe and secure so that it is not hazardous to the health, safety, and welfare of the public and does not constitute a public nuisance. Any vacant dwelling or dwelling unit open at doors or windows if unguarded, shall be deemed to be a hazard to health, safety or welfare of the public and a public nuisance within the meaning of this chapter.
- F. Appeal. Any person aggrieved by a notice issued under this chapter may within ten days after service of same appeal to the City Council by filing a written notice of appeal with the City Clerk. In the case of an appeal from a notice to vacate pending elimination of imminent hazards issued under **section C**, the appeal shall be heard as soon as possible after the time of filing. In the case of appeals from other notices, the appeal shall be heard at the time of the next scheduled city council meeting. The taking of an appeal, other than one to vacate pending the elimination of imminent hazards shall, during the pendency of such appeal, restrain the City from proceeding in any manner to enforce such notice.
- G. Decision of the Council. All appeals under this chapter shall be heard by the city council, who may affirm in whole or in part or deny the existence of a violation of this chapter. If a violation is found to exist, the council may confirm or modify the corrective action to be taken or the order requiring vacation of the premises and the time allowed for it.
- H. Correction of Violation by City; Assessment of Cost. In all cases of violation of this Section to which M.S. 145A.03 through 145A.09 are applicable, the compliance official may proceed as provided in M.S. 145A.03 through 145A.09 to abate or remove the violation and to have the cost of it specially assessed against the lot or parcel where the violation was located. In suitable cases, said statutory remedies and procedure may be used either concurrently with, or separate from, the procedures prescribed in this chapter.