

PLANNING COMMISSION AGENDA

May 19, 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

April 21, 1997

C. CITY COUNCIL MINUTES

April 9 & April 23, 1997

D. BUSINESS

1. Discussion regarding adoption of a housing code

E. ADJOURN

City of Falcon Heights
Planning Commission Minutes
21 April 1997

DRAFT

Commissioners Present:

Tom Brace
Wayne Groff
Alex Hanschen
Wendy Treadwell
Irene Struck
Betty Wilcox

Commissioner Absent:

Paul Kuettel (arrived later)

Also Present:

Carla Asleson, Planner

The meeting was called to order at 7:00 p.m.

Approval of planning commission minutes

Commissioner Wilcox moved approval of the minutes from the February 24, 1997 meeting, Commissioner Treadwell seconded the motion. The motion passed unanimously.

Review of city council minutes

The commission briefly discussed the city council's decision not to sign a joint powers agreement for Geographic Information Systems (GIS) data.

Commissioner Kuettel arrived at 7:15 p.m.

Discussion regarding adoption of a housing code.

Planner Asleson explained to the commission that establishment of a housing code is a city council action item for 1997. She went on to explain what a housing code is and how it is different than the existing building, fire, and zoning codes. Planner Asleson then outlined the three ways in which a housing code could be used: for response to complaints and staff identified housing concerns, for annual preventative inspections of multi-family housing, and for point-of-sale inspections (also known as "truth in housing".) Asleson noted that Falcon Heights' housing stock is in good overall shape and that she would recommend the use of a housing code only for those situations where a complaint has been registered or for where there is an identifiable hazard.

After discussing the three options, Chair Brace conducted an informal poll of the commissioners. As a result of the poll, staff will bring back a refined draft of the proposed housing code, as well as more information about

annual inspections of multi-family housing units. The commission did not recommend the use of a housing code for point-of-sale inspections.

Commissioner Kuettel moved to adjourn the meeting. Seconded by Commissioner Treadwell. The meeting was adjourned at 8:11 p.m.

Respectfully submitted,

Carla Asleson
Planner

DRAFT

**CITY OF FALCON HEIGHTS
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 23, 1997**

327

Mayor Gehrz convened the meeting at 7:01 p.m.

PRESENT

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

ABSENT

Gibson Talbot.

COMMUNITY FORUM

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

MINUTES OF APRIL 9, 1997

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. Approval of a May 7, 1997 workshop date
4. Accept voluntary resignation of Linda Treeful, City Forester

POLICY AGENDA

**UPDATE ON THE STATUS OF THE TUNNEL UNDER LARPENTEUR AVENUE ADJACENT
TO THE UNIVERSITY GOLF COURSE**

Administrator Hoyt reported that the University Golf Course and Ramsey County were proceeding with plans to install a tunnel underneath Larpenteur Avenue. This tunnel would allow golfers to complete all 18 holes of golf without having to cross over Larpenteur Avenue. The tunnel would be paid for by the county and the university and managed by the university.

After a discussion regarding safety concerns associated with the tunnel, the council directed Hoyt to find out if the lighting in the tunnel would be on all the time or if it would be on only while the golf course was open.

CONSIDERATION OF RESOLUTION 97-12, APPROVING THE CLASSIFICATION AND SALE OF A PARCEL OF TAX FORFEIT LAND

Administrator Hoyt explained that there is a small, non-buildable parcel of tax forfeit land (property I.D. #16-29-23-44-0035) on St. Mary's Street that is scheduled for auction by Ramsey County. Before the county sells tax forfeit property, they give the city an opportunity to delay the sale date for a year. The county requires a resolution stating the city's approval to proceed with the sale.


Motion was made by Councilmember Jacobs to approve Resolution 97-12, approving the classification and sale of tax forfeit land. Motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 7:29 p.m.



Susan L. Gehrz, Mayor



Carla Asleson
Recording Secretary

**CITY OF FALCON HEIGHTS
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 9, 1997**

323

Mayor Gehrz convened the meeting at 7:00 p.m.

PRESENT

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

ABSENT

Gibson Talbot.

COMMUNITY FORUM

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

MINUTES OF MARCH 26, 1997

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. Authorization to apply for Local Performance Aid from the State of Minnesota
4. Authorization to apply for 1996 snow removal cost reimbursement
5. Approval of request by the North Suburban Evening Lions to use the Community Park building for the purpose of conducting a fund-raising garage sale
6. Authorization of purchase of 29 trees for boulevard planting

POLICY AGENDA

**APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE LARPENTEUR AVENUE
STREETSCAPE PROJECT AND APPROVAL OF RESOLUTION 97-11 AUTHORIZING THE
BIDDING OF PHASES 1 AND 2 OF THE PROJECT**

Administrator Hoyt explained that the council is being asked to accept the plans and specifications for the Larpenteur Avenue project and authorize staff to solicit bids. This action does not require the acceptance of a particular bid and the design elements can be modified at a later time if necessary.

Michael Schroeder, representing the design firm of Hoisington Kogler Group, explained that there would be three separate bid packages to allow for the unique elements of the landscape plan. These elements include landscaping, lighting/sidewalks, and signs. He

further recommended that, due to cost considerations, the colored concrete be replaced by textured concrete and that banding be dropped from the crosswalks.

After a discussion regarding the various design elements, a motion was made by Councilmember Jacobs to approve Resolution 97-11, approving the plans and specifications and authorizing the bidding of phases 1 and 2 of the Larpenteur Avenue project. Motion passed unanimously.

UPDATE ON LARPENTEUR AVENUE CONSTRUCTION ACTIVITY

Administrator Hoyt reported that the county's construction of Larpenteur Avenue had begun and that there would be some periods of time when the crews would be working early in the morning and throughout the night. This is necessary in order to finish the project by the start of the State Fair. Hoyt further explained that the properties abutting Larpenteur Avenue between Cleveland and Fulham would be assessed for their portion of the street improvement within the next few months. The University of Minnesota was notified of the assessment amount in June 1996 so that they could budget for the appropriate amount.

APPROVAL OF RESOLUTION 97-10 ENTERING INTO A COOPERATIVE AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MnDOT) FOR LANDSCAPING IN THE SNELLING AVENUE RIGHT-OF-WAY

Administrator Hoyt explained that the Falcon Heights/Lauderdale Lions Club were granted permission from MnDOT for planting materials in the right-of-way near Snelling and Hoyt Avenues. The council previously approved this funding request. The proposed resolution commits the city to ordering, installing, and maintaining the planted area. The Lions Club has arranged for volunteers to do the initial planting and maintenance.

Motion was made by Councilmember Kuettel to approve Resolution 97-10, entering into a cooperative agreement with the Minnesota Department of Transportation. Motion passed unanimously.

INFORMATION

Administrative Assistant Asleson presented the newly created New Residents Package to the council.

ADJOURNMENT

The meeting adjourned at 8:43 p.m.


Carla Asleson
Recording Secretary


Susan L. Gehrz, Mayor

PLANNING COMMISSION

Date: 5/19/97

Item: 1

ITEM: Continued discussion regarding a housing code

SUBMITTED BY: Carla Asleson, Administrative Assistant/Planner

EXPLANATION/DESCRIPTION:

Action Requested: Recommend the adoption of a Housing Code to the city council.

Staff Report.

A housing code provides a city with a mechanism to protect the health and safety of a community by ensuring minimum housing standards for dwelling units. Housing codes address such items as minimum electrical and plumbing facilities, sanitation requirements, and standards for building ingress and egress. Housing code requirements in suburban communities are nearly identical because minimum housing standards are not something that needs to be tailored to a particular city. Therefore, the housing code from the cities of Edina, Vadnais Heights, Richfield, and other suburban cities have very similar housing code requirements. This is different than a zoning code, which is tailored to the land use patterns of a specific city or neighborhood.

At the last planning commission meeting, the commissioners discussed three ways in which a housing code could be used: on a complaint or obvious need basis, for preventative inspections of multi-family housing units, and for point-of-sale or "truth in housing" inspections when single family property is sold. The commission asked that staff investigate the use of preventative inspections for multi-family units and report back to the commission with the information.

Multi-Family Inspections

Staff contacted eleven inner-ring suburban cities for information on how they use their housing codes. Of the eleven cities contacted, five cities (Columbia Heights, Mounds View, Brooklyn Center, Robbinsdale, and St. Louis Park) perform inspections of apartment units. The six cities not performing inspections were Edina, Richfield, Roseville, Golden Valley, Little Canada, and Maplewood.

Reasons for performing inspections. The cities performing inspections are challenged by high densities of multi-family housing along with challenging socio-economic demographics. These conditions have caused some deterioration of the housing stock over the years. The staff of these cities stated that the multi-family inspections have assisted in improving some of these deteriorating buildings. With one exception, the cities that reported not having an multi-family inspection program use their housing code only on an as-needed/complaint basis. Richfield uses their housing code for point-of-sale inspections of single family homes.

Falcon Heights has not experienced a deterioration in its multi-family housing stock. The city's Fire Marshal is able to access the common areas of apartment buildings each year as a part of the city's fire inspection program and has not reported deterioration that would warrant further investigation.

Program costs. Performing preventative housing inspections is quite labor intensive, particularly in the initial stages of a program. The cities performing them have hired individuals to do housing inspections on a full-time basis, either as a dedicated housing inspectors or as a part of their duties in the city's full-time fire department. Falcon Heights has 449 multi-family dwelling units that would be subject to a city inspection program (not including U of M or owner-occupied units.) Inspection of this many units could not be accommodated within the city's present staffing level. Inspections on a concern/complaint basis could be accommodated within the building inspector's work schedule.

All of the cities performing multi-family inspections have instituted apartment licensing programs, which require the property owner to pay an annual licensing fee. The fee varies by the city; an example is Robbinsdale's fee of \$130 per building plus \$5.00 per unit inside. Such a fee would cover some, but not all, of the costs of an annual inspection program.

Housing Code Discussion and Recommendation

Falcon Heights' housing stock is in good condition. There have been just three instances in the past eight years where there have been major concerns about the condition of a housing structure. These all involved single family homes. The city's apartment stock is in good condition as well, with the complaints received having to do with heat levels rather than with major health or sanitation concerns.

Given the good condition of the housing stock and the fact that the city is able to access the common areas of apartment buildings through the fire inspection program, it seems unnecessary to use a housing code for preventative inspections at this time. To do so would be to add expense on the part of the city and the property owner when there is no identifiable need

for the service. If the conditions of the housing stock change in the future, an inspection program could be easily established provided that a housing code is already in place and funding for an inspector could be arranged.

Staff continues to recommend that the planning commission recommend adoption a housing code to the city council for use on a concern/complaint basis. A draft of the proposed code is attached for your information. It has been reviewed by the city's attorney, who has found the code to be in conformance with applicable laws.

ATTACHMENTS:

1. Draft Housing Code
2. Letter from City Attorney

Action Requested.

- Staff report
- Questions from commissioners
- Discuss proposed housing code and possible applications of it.
- By motion, recommend the adoption of a housing code to the city council for use where a complaint is registered or when city staff or the county health department becomes aware of possible housing code violations.

CHAPTER 10 HOUSING CODE

PART 1 Purpose, Intent, and Definitions.

10-1.01 Purpose and Intent

Subdivision 1. The purpose and intent of this Chapter is to:

- a. Protect, preserve and promote the physical and mental health of the people;
- b. Investigate and control communicable diseases;
- c. Regulate privately and publicly owned dwellings for the purpose of sanitation and public health; and
- d. Protect the safety of the people and promote the general welfare by legislation which shall be applicable to all dwellings now in existence or constructed in the future which:
 - (1) Establishes minimum standards for basic equipment and facilities for light, ventilation, and heating, for safety from fire, for the use and location, and amount of space for human occupancy, and for safe and sanitary maintenance;
 - (2) Determines the responsibilities of owners, operators, and occupants of dwellings; and
 - (3) Provides for the administration and enforcement of this Chapter.

10-1.02 Definitions.

Subdivision 1. 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.

PART 2 MINIMUM HOUSING STANDARDS

10-2.01 Minimum Standards for Basic Equipment and Facilities

Subdivision 1. 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 a 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.

10-2.02 Minimum Standards for Light, Ventilation, and Heating

Subdivision 1. 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 maintained in good and safe working condition.

10-2.03 General Requirements for Maintenance of Dwellings and Dwelling Units.

Subdivision 1. 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.

10-2.04 Minimum Space, Use, and Location Requirements.

Subdivision 1. 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:

- a. 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.
- b. 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.

Subdivision 2. Basement Requirements. No basement space shall be let as a habitable room and no basement space shall be used as a dwelling unit unless:

- a. The floor and walls are impervious to leakage of underground and surface water runoff and are free from dampness;
- b. The total amount of light furnished in each room is equal to at least the minimum amount of light as required in Section 10-2.02 subd. 1 (a).
- c. The facilities for ventilation in each room are equal to at least the minimum required under Section 10-2.02 subd. 1 (a) and subd. 1 (b).

Subdivision 3. Cellar Space. No cellar space shall be used as a habitable room or as a dwelling unit.

PART 3 RESPONSIBILITIES OF OWNERS AND OCCUPANTS

10-3.01 Responsibilities of Owners and Occupants

Subdivision 1. Responsibilities for Maintenance

- 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 10-2.01 subd. 1 (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.

PART 4 ADMINISTRATION AND ENFORCEMENT

10-4.01 Enforcement of Housing Code.

Subdivision 1. Inspections Authorized.

- a. 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.

Subdivision 2. Enforcement of Housing Code.

- a. 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 Section 10-4.01 subd. 2 (a) (4). The notice shall:

- (1) Be in writing;
- (2) 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;
- (3) Provide a reasonable time, but not less than 10 days in any event, for the correction of the violation(s) specified;
- (4) 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.
- (5) 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.

- b. 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 Section 10-4.01 subd. 1 (a) 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.

c. Failure to Correct Deficiencies. Whenever notice has been given in accordance with Section 10-4.01 subd. 1 (a) of this subsection and the person(s) responsible have failed to correct the deficiencies specified within the time allowed, the compliance official may either:

- (1) Extend the time for correction of the deficiencies; or
- (2) 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.

d. 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.

e. 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 10-4.01 subd. 1 (b), 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.

f. 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.

- g. 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.

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Ms. Susan Hoyt
City Administrator
City of Falcon Heights
2077 West Larpenteur Avenue
Falcon Heights, Minnesota 55113-5594

Re: Housing Code; Our File No. 06429.1

Dear Susan:

I have reviewed the proposed Housing Code and found it to be consistent with Minnesota Statutes and other applicable law.

Please let me know if you have any specific questions regarding this matter.

Very truly yours,

LEONARD, STREET AND DEINARD

By *Eric Galatz*

Eric H. Galatz

EHG/sg

278345