

Chapter 17.06

Housing Maintenance Regulations

Section 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:

Subdivision 1. To protect the character and stability of residential areas within the city;

Subdivision 2. To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health:

Subdivision 3. To provide for minimum standards for heating and sanitary equipment and for light and ventilation necessary to protect the health and safety of occupants of buildings;

Subdivision 4. To prevent the overcrowding of dwellings;

Subdivision 5. To provide minimum standards for the maintenance of existing residential buildings and to thus prevent substandard housing and blight;

Subdivision 6. To preserve the value of land and buildings throughout the city.

With respect to disputes between tenants and landlords, 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 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 arbitrator, nor to be receptive to complaints from tenant or landlord which are not specifically and clearly relevant to the provisions of this ordinance. In the absence of such relevancy with regards 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 it is not the intention of the City Council to interfere or permit interference with legal rights to personal privacy.

Section 2. Applicability of Ordinance. This ordinance establishes minimum standards for maintaining dwelling units, accessory structures and related premises. This ordinance is intended to provide standards for rental housing and to provide standards to allow resolution of complaints regarding owner-occupied housing.

Section 3. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance.

Subdivision 1. Accessory Use or Structures: A non-residential use or structure subordinate to, and serving the principal use or structure on the same lot and customarily incidental thereto.

Subdivision 2. Building. Any structure having a roof which may provide shelter or enclosure for persons, animals, or chattel, and when said structure is divided by party walls

without openings, each portion of such building so separated shall be deemed a separate building.

Subdivision 3. Compliance Official. The City Administrator and his designated agents authorized to administer and enforce this ordinance

Subdivision 4. Dwelling. A building or one or mere portions thereof occupied or intended to be occupied for residential purposes; but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, tents, cabins or trailer coaches.

Subdivision 5. Dwelling Unit. A single family dwelling or unit designed to accommodate one family.

Subdivision 6. Family. An individual, or two or more persons each related by blood, marriage, adoption, or foster children, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household and using common cooking and kitchen facilities.

Subdivision 7. Flush Water Closet. A toilet with a bowl and trap made of one piece, which is connected to the city water and sewer system or other approved water supply and sewer system.

Subdivision 8. Garbage. As defined and regulated by city ordinance.

Subdivision 9. Habitable Building. Any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.

Subdivision 10. Habitable Room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements (those without required ventilation, required electrical outlets and required exit facilities), pantries, utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

Subdivision 11. Heated Water. Water heated to a temperature of not less than 110 degrees Fahrenheit, or such lesser temperature required by government authority, measured at faucet outlet.

Subdivision 12. Kitchen. A space which contains a sink with counter working space, space for installing cooking and refrigeration equipment, and space for the storage of cooking utensils.

Subdivision 13. Maintenance. Upkeep of property and equipment in a safe working condition for which it was installed and/or constructed.

Subdivision 14. Multiple Family Dwelling. A dwelling or portion thereof containing two or more dwelling units.

Subdivision 15. Occupant. Any person (including owner or operator) living, sleeping, cooking and eating in a dwelling unit or living and sleeping in a rooming unit.

Subdivision 16. Operate. As used in this ordinance, the term “operate” means to charge a rental charge for the use of a unit in a rental dwelling.

Subdivision 17. 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.

Subdivision 18. 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, dwelling unit, or rooming unit within the city as owner, employee or agent of the owner, or trustee or guardian of the estate or person of the title holder. Any person representing the actual owner shall be bound to comply with the provisions of this ordinance to the same extent as the owner.

Subdivision 19. Permissible Occupancy. The maximum number of persons permitted to reside in a dwelling unit or rooming unit.

Subdivision 20. Person. An individual, firm, partnership, association, corporation, company or joint venture or organization of any kind.

Subdivision 21. Plumbing. All of the following supplied facilities and equipment in a dwelling: gas pipes, gas turning 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 the installation thereof, together with all connections to water, sewer and gas.

Subdivision 22. Premises. A platted lot or part thereof or unplatted parcel of land, and adjacent right-of-way either occupied or unoccupied by any dwelling or non-dwelling structure, including such building or accessory structures.

Subdivision 23. 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.

Subdivision 24. Refuse. As defined and regulated by the City Ordinance.

Subdivision 25. Rental Dwelling. As used in this ordinance, is a dwelling for hire.

Subdivision 26. Repair. Is the reconstruction or renewal of any part of an existing building or its utilities, facilities or equipment for the purpose of its maintenance.

Subdivision 27. Rodent Harborage. A place where rodents commonly live, nest, or

establish their habitat.

Subdivision 28. 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.

Subdivision 29. Rubbish. As defined and regulated by city ordinance.

Subdivision 30. Safety. The condition of being reasonably free from danger and hazards which may cause accidents or disease.

Subdivision 31. Substandard Dwelling. Any dwelling which does not conform to the minimum standards established by city ordinances.

Subdivision 32. Supplied. Paid for, furnished by, provided by or under the control of the owner, operator, or agent of a dwelling.

Subdivision 33. Meaning of Certain Words. Whenever the words “dwelling,” “dwelling unit,” “premises,” or “structure” are used in this ordinance, they shall be construed as though they were followed by the words “or any part thereof.”

Section 4. Responsibilities of Owners and Occupants. No owner or other person shall occupy or let to another person any dwelling unit or rooming unit unless it and the premises are fit for human occupancy and comply with all applicable legal requirements of the State of Minnesota and the City of Howard Lake, and as set forth specifically in the following sections.

Subdivision 1. Maintenance of Shared or Public Areas. Every owner of a dwelling containing two or more dwelling units shall maintain or shall provide for maintenance of the units shared or public areas of the dwelling and premises thereof.

Subdivision 2. Maintenance of Occupied Areas. Every occupant of a dwelling, dwelling unit or rooming unit shall maintain that part of the dwelling, dwelling unit and premises thereof that he occupies and controls.

Subdivision 3. Storage and Disposal of Rubbish. Every occupant of a dwelling, dwelling unit or rooming unit shall store and dispose of all his rubbish and garbage and any other organic waste which might provide food for insects and/or rodents in a manner as prescribed by city ordinance.

Subdivision 4. Responsibility for Storage and disposal of Garbage and Rubbish. Every owner of a multiple family dwelling shall supply facilities for the storage and/or disposal of rubbish and garbage. In the case of single and two-family dwellings, it shall be the responsibility of the occupant to furnish such facilities as prescribed by city ordinances.

Subdivision 5. Responsibility for Storm and Screen Doors and Windows. The owner of a rental dwelling unit shall be responsible for providing, maintaining and hanging all screens

and storm doors and windows whenever the same are required under the provisions of this ordinance.

Subdivision 6. Responsibility for Pest Extermination. Every occupant of a dwelling contained in a single dwelling unit shall be responsible for the extermination of vermin infestations and/or rodents on the premises. Every occupant of a dwelling unit containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding, however, whenever infestation is caused by the failure of the owner to maintain a dwelling in a reasonable rodent-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

Subdivision 7. Rodent Harborage Prohibited in Occupied Areas. No occupant of a dwelling unit shall accumulate boxes, firewood, lumber, scrap metal or any other materials in such a manner that may provide a rodent harborage in or about any dwelling or dwelling unit. Outside stored materials shall be stacked neatly in piles at least 4 inches off bare soil or ground.

Subdivision 8. Rodent Harborage Prohibited in Public Areas. No owner of a dwelling containing two or more dwelling units shall accumulate or permit the accumulation of boxes, lumber, scrap metal or any other similar materials in such a manner that may provide a rodent harborage in or about shared or public areas of a dwelling or its premises. Materials stored outside by the owner or permitted to be stored by the owner shall be stacked neatly in piles at least 4 inches off of the bare ground.

Subdivision 9. Prevention of Food for Rodents. No owner or occupant of a dwelling unit shall store, place or allow to accumulate any materials that may serve as food for rodents in a site accessible to rodents.

Subdivision 10. Maintenance of Plumbing Fixtures and Facilities. The owner or occupant of a dwelling unit shall maintain all supplied plumbing fixtures and facilities therein.

Subdivision 11. Minimum Heating Capacity and Maintenance. In every dwelling unit or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 68 degrees Fahrenheit or such lesser temperature required by government authority shall be maintained at a distance of three feet above the floor and three feet from exterior walls in all habitable rooms, bathrooms and water closet compartments from September 15 to May 1.

Subdivision 12. Removal of Snow and Ice. The owner of any rental dwelling shall be responsible for the removal of snow and ice from parking lots and/or 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 walkways and steps within 49 hours after cessation of the snowfall.

Subdivision 13. Minimum Exterior Lighting. The owner of a rental dwelling or dwellings shall be responsible for providing and maintaining effective illumination in all exterior

parking areas and walkways.

Subdivision 14. Maintenance of Driving and Parking Areas. The owner of a multiple family dwelling or dwellings shall be responsible for providing and maintaining in good condition paved and delineated parking areas and driveways for tenants.

Section 5. Minimum Standards for Basic Equipment and Facilities. No person shall rent or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking and eating therein which does not comply with the following requirements.

Subdivision 1. Provide a kitchen sink in good working condition and properly connected to an approved water supply system 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 per city ordinance or state law.

Subdivision 2. Provide cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensils and can 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 of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious affect to food.

Subdivision 3. Provide a stove or similar device for cooking food and a refrigerator or similar device for the safe storage of food which are properly installed with all necessary connections for safe, sanitary and efficient operation. Provided that such stove, refrigerator or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of said stove, refrigerator or similar device must be provided.

Subdivision 4. Toilet Facilities. Within every dwelling unit there shall be a nonhabitable room which is equipped with a flush water closet in compliance with Minnesota State Plumbing code. Said room must have an entrance door which affords privacy. Said flush water closet shall be equipped with easily cleanable surfaces, shall be connected to any approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be connected to a sewer system in compliance with city ordinance.

Subdivision 5. Lavatory Sink. Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water system and shall provide at all times an adequate amount of heated and unheated water under pressure and shall be connected to an approved water system.

Subdivision 6. Bathtub or Shower. Within every dwelling unit there shall be a nonhabitable room which is equipped with a bathtub or shower in good working condition. Such

room shall have an entrance door which affords privacy. Said bathtub or shower may be in the same room as the flush water closet, or in another room, and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure and shall be connected to an approved sewer system.

Section 6. Stairways, Porches and Balconies. Every stairway, inside or outside of a dwelling, and every porch or balcony shall be kept in safe condition and sound repair. Every flight of stairs and every porch and balcony floor shall be free of deterioration. Every stairwell and every flight, of stairs which is more than three risers high shall have handrails installed 30 to 34 inches high, measured vertically from the nose of the stair tread to the top of the handrail. Every porch, balcony or deck which is more than 30 inches high shall have a guardrail at least 36 inches above the floor of the porch or balcony. Every handrail and guardrail shall be firmly fastened and maintained in good condition. No flight of stairs shall have settled out of its intended position or have pulled away from the supporting or adjacent structures enough to cause a hazard. No flight of stairs shall have rotting, loose or deteriorating supports. Excepting spiral and winding stairways, the treads and risers of every flight of stairs shall be essentially uniform in width and height. Stairways shall be capable of supporting a live load of 100 pound per square foot of horizontal projection.

Section 7. Access to Dwelling Unit. Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

Section 8. Door Locks. No owner shall rent or let to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with safe, functioning locking devices. Rental dwellings shall be furnished with door locks as follows:

Subdivision 1. For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple family dwelling, an approved security system shall be maintained for each multiple family building to control access. The security system shall consist of locked building entrance or foyer doors, and locked doors leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with releasable lever knobs (or doorknobs) on the inside of building entrance doors and with key cylinders on the outside of building entrance doors. Building entrance door latches shall be of a type that are permanently locked.

Subdivision 2. Every door that provides ingress or egress for a dwelling unit within a multiple family building shall be equipped with an approved lock that has a deadlocking bolt that cannot be retracted by end pressure, provided, however, that such door shall be openable from the inside without the use of a key or any special knowledge or effort.

Subdivision 3. All multiple family dwellings that were in existence on May 19, 1992, and which were not previously required to have an approved security system, shall not be subject to the requirements of Section 8, Subd. 1.

Section 9 Minimum Standards for Light and Ventilation. No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living

therein which does not comply with the following requirements:

Subdivision 1. Habitable Room Ventilation. Except where there is supplied some other device affording ventilation and approved by the Compliance Official, every habitable room shall have at least one window facing directly outdoors which can be opened easily. The minimum total of openable window area in every habitable room shall be the greater of 4% of the floor area of the room or four square feet.

Subdivision 2. Nonhabitable Room Ventilation. Every bathroom and water closet compartment, and every laundry and utility room shall contain at least 50% of the ventilation requirement for habitable rooms contained in Section 9, Subd. 1 above, except that no windows shall be required if such rooms are equipped with a ventilation system which is approved by the Compliance Official.

Subdivision 3. Electric Service. Every dwelling unit and all public and common areas shall be supplied with electric service, functioning overcurrent protection devices, electric outlets, and electric fixtures provided, however, that all ceiling or wall-type lights shall be properly installed, which shall be maintained in a safe working condition, and shall be connected to a source of electric power in a manner prescribed by the ordinances, rules and regulations of the City of Howard Lake and by the laws of the State of Minnesota. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures shall be as follows:

- a. A dwelling containing one or two dwelling units shall have at least the equivalent of 60 ampere, three-wire electric service per dwelling unit.
- b. Each dwelling unit shall have at least one branch electric circuit for each 600 square feet of dwelling unit floor area.
- c. Every habitable room shall have at least one floor or wall-type electric convenience outlet for each 60 square feet or fraction thereof of total floor area, and in no case less than two such electric outlets, provided, however, that one ceiling or wall-type light fixture may be supplied in lieu of one required electric outlet.
- d. Every water closet compartment, bathroom, kitchen, laundry room, and furnace room shall contain at least one supplied ceiling or wall-type electric light fixture and every bathroom, kitchen and laundry room shall contain at least one electric convenience outlet.
- e. Every public hall and stairway in every rental dwelling shall be adequately lighted by natural or electric light at all times, so as to provide effective illumination. Every public hall and stairway in structures containing not more than two dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time light.
- f. A convenient switch or equivalent device for turning on a light in each dwelling unit shall be located near the point of entrance to such unit.

Section 11.0. Minimum Thermal Standards.

Subdivision 1. No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein which does not have

heating facilities which are properly installed and maintained in safe and working condition and which are capable of safely heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 68 degrees Fahrenheit at a distance of three feet above floor level and three feet from exterior walls at normal weather condition.

Subdivision 2. Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this section.

Subdivision 3. Portable heating equipment employing flame and the use of liquid fuel does not meet the requirement of this section and is prohibited.

Subdivision 4. No owner or occupant shall install, operate or use a space heater employing a flame that is not vented outside the structure in an approved manner.

Section 11. General Requirements. No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements.

Subdivision 1. Foundations. Exterior Walls and Roofs. The foundation, exterior walls and exterior roof shall be substantially water tight and protected against vermin and rodents and shall be kept in sound condition and repair. The foundation element shall adequately support the building at all points. Every exterior wall shall be free of structural deterioration or any other condition which might admit rain or dampness to the interior portion of the walls or to the interior spaces of the dwelling. The roof shall be tight and have no defects which admit rain and roof drainage shall be adequate to prevent rain water from causing dampness in the walls. All exterior surfaces, other than decay resistant materials, shall be protected from the elements and decay by paint or other protective covering or treatment. If approximately 25% or more of the total exterior surface is unpainted or lacks a protective coating or is determined by the Compliance Official to be deteriorated, the surface shall have a protective covering applied. If the exterior surface or the pointing of any brick, block or stone wall is loose or has fallen out, the surface shall be repaired.

Subdivision 2. Windows, Doors and Screens. Every window, exterior door and hatchway shall be substantially tight and shall be kept in repair. Every window other than a fixed window or storm window shall be capable of being easily opened. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, vermin and rodents from entering the building.

Subdivision 3. Floors, Interior Walls and Ceilings. Every floor, interior wall and ceiling shall be protected against the passage and harborage of vermin and rodents and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding or rotted flooring materials. Every interior wall and ceiling shall be maintained in a tight weather-proof condition. Toxic paint and materials with a lasting toxic effect shall not be used. Every toilet room and bathroom floor surface shall be capable of being easily maintained.

Subdivision 4. Rodent Proof. Buildings found to be rodent infested shall be made rodent resistant. All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a ½" diameter or larger opening shall be rodent-proofed in an approved manner. Interior floors or basements, cellars and other areas in contact with the soil shall be paved with concrete or other rodent impervious material.

Subdivision 5. Fence Maintenance. All fences supplied by the owner on the premises and all fences erected by an occupant on the premises shall consist of metal, wood, masonry or other decay resistant material. Fences shall be maintained in good condition. Materials, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives.

Subdivision 6. Accessory Structure Maintenance. Accessory structures shall be structurally sound and be maintained in good repair. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials such as paint or other preservatives.

Subdivision 7. Safe Building Elements. Every foundation, roof, floor, exterior and interior wall, ceilings, inside and outside stair, every porch and balcony, and every appurtenance thereto, shall be safe to use and capable of supporting normal structural loads.

Subdivision 8 Facilities To Function. All equipment or utilities required under city ordinances and every chimney and flue shall function effectively in a safe and working condition.

Subdivision 9. Grading and Drainage. Every yard, court, or passageway on the premises on which a dwelling stands shall be graded and drained, so as to be free of standing water that constitutes a detriment to health and safety.

Subdivision 10. Yard Cover. Every yard of a premise on which a dwelling stands shall be maintained to prevent dust and erosion.

Section 12. Maximum Density, Minimum Space for Rental Units. No person shall permit or let to be occupied any rental dwelling for the purpose of living therein which does not comply with the following requirements:

Subdivision 1. Permissible Occupancy of Dwelling Unit. The maximum permissible occupancy of any rental dwelling unit shall be determined as follows:

- a . For the first occupant, 150 square feet of habitable room floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space.
- b. In no event shall the total number of occupants exceed two times the number of habitable rooms, less kitchen, in the dwelling unit.

Subdivision 2. One Family Per Dwelling Unit. Not more than one family, except for temporary guests, shall occupy a dwelling unit.

Section 13. Enforcement and Inspection Authority. The City Administrator and his designated agents shall be the Compliance Official who shall administer and enforce the provisions of this ordinance when reason exists to believe that a violation of this ordinance has been or is being committed. Inspections shall be conducted during reasonable hours and the Compliance Official shall present evidence of his official capacity to the owner or occupant in charge of a dwelling unit. The Compliance Official shall keep confidential all evidence, exclusive of the inspection record, which he may discover or obtain in the course of an inspection made pursuant to this section and such evidence shall be considered privileged.

Section 14. Inspection Access. If any owner, occupant, or other person in charge of a dwelling, dwelling unit, rooming unit, or of a multiple dwelling fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this ordinance is sought to be made, the Compliance Official may, upon a showing that probable cause exists for the inspection and for the issuance of this section with respect to such dwelling, dwelling unit, rooming unit, or multiple dwelling, petition and obtain such order from a court of competent jurisdiction.

Section 15. Unfit for Human Habitation.

Subdivision 1. Any dwelling unit or rooming unit or portion thereof which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation, the Compliance Official shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation, and any operating license previously issued for such dwelling shall be revoked pursuant to law.

Subdivision 2. It shall be unlawful for such dwelling, dwelling unit or rooming unit or portion thereof to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Compliance Official. It shall be unlawful for any person to deface or remove the declaration placard from any such dwelling, dwelling unit or rooming unit.

Section 16. Secure Unfit and Vacated Dwellings. The owner of any dwelling, dwelling unit, or rooming unit which has been declared unfit for human habitation or which is otherwise vacant for a period of 60 days or more shall make the 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 open at doors, windows, or wall opening, if unguarded shall be deemed to be a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this ordinance.

Section 17. Hazardous Building Declaration. In the event that a dwelling has been declared unfit for human habitation and the owner has not remedied the defect within a prescribed reasonable time, the dwelling may be declared a hazardous building and may be removed, razed or corrected pursuant to the provision of Minnesota Statutes, Section 463.15 to 463.26.

Section 18. Compliance Order. Whenever the Compliance Official determines that any

dwelling, dwelling unit or rooming unit or portion thereof is in violation of this or any other ordinance, he may issue a Compliance Order setting forth the violation of the ordinance and ordering the owner, occupant, operator or agent to correct such violations. This Compliance Order shall:

Subdivision 1. Be in writing.

Subdivision 2. Describe the location and nature of the violations of this ordinance.

Subdivision 3. Establish a reasonable time for the correction of such violation and notify the owner of his appeal recourse.

Subdivision 4. Be served upon the owner or his agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:

- a. Served upon him personally; or
- b. Sent by registered mail to his last known address; or
- c. Upon failure to effect notice through (1) or (2) as set out in this section, service may be made pursuant to Minnesota Statutes 463.17, Subdivision 2, which reads as follows: "Service. This order shall be served upon the owner of record, or his agent if an agent is in charge of the building, and upon the occupying tenant, if there is one, and upon all lien holders of record, in the manner provided for service of a summons in a civil action. If the owner cannot be found, the order shall be served upon him by posting it at the main entrance to the building and by four weeks publication in the official newspaper of the municipality if it has one, otherwise in a legal newspaper in the county.", or
- d. Pursuant to Minnesota Statutes, Section 145.22.

Section 19. Right of Appeal. When it is alleged by any person to whom a Compliance Order is directed that such Compliance Order is based upon erroneous interpretation of this ordinance, or upon a misstatement or mistake of fact, such person may appeal the Compliance Order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee as designated by the City Council in cash or cashier's check, and must be filed with the Compliance Official within five (5) business days after service of the Compliance Order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from unless such a stay would cause imminent peril to life, health or property.

Section 20. Council's Decision. Upon at least five (5) business day's notice to the appellant of the time and place for hearing the appeal and within 30 days after said appeal is filed, the City Council shall hold a hearing thereon. The City Council may reverse, modify or affirm in whole or in part the order.

Section 21. Restriction on Transfer of Ownership. It shall be unlawful for the owner of any dwelling, dwelling unit or rooming unit. upon whom a pending compliance order has been

served to sell, transfer, mortgage or lease or otherwise dispose thereof to another person until, the provisions of the compliance order have been complied with, unless such owner shall furnish to grantee, lessee or mortgagee a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledgement. Anyone securing an interest in the dwelling, dwelling unit or rooming unit, who has received notice of the existence of a Compliance Order shall be bound by same without further service of notice upon him and shall be liable to all penalties and procedures provided by this ordinance.

Section 22. Penalties. Any person who fails to comply with a Compliance Order after a right of appeal has expired and person who fails to comply with a modified Compliance order within the time set therein, upon conviction therefore, shall be guilty of a misdemeanor. Each day of such failure to comply shall constitute a separate punishable offense.

Section 23. Execution of Compliance Orders by Public Authority. Upon failure to comply with a compliance order within the time set therein, and no appeal having been taken, or upon failure to comply with a modified Compliance Order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council after due notice to the owner may by resolution cause the cited deficiency to be remedied as set forth in the Compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes Chapter 429, and specifically for the removal or elimination of public health or safety hazards from private property, but the assessment shall be payable in a single installment. It is the intent of this section to authorize the City to utilize all of the provisions of Section 429.101 to promote the public's health, safety and general welfare.

Section 24. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.