

CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. 83

AN ORDINANCE CREATING THE GEM LAKE CITY HOUSING CODE.

THE CITY COUNCIL OF THE CITY OF GEM LAKE ORDAINS:

SECTION 1. TITLE AND PURPOSE. This Ordinance may be cited as the "GEM LAKE HOUSING MAINTENANCE AND OCCUPANCY CODE". The purpose of this Ordinance is to protect the public health, safety and general welfare of the people of the City. These general objectives include, among others, the following:

- 1-1.** To protect the character and stability of residential areas within the City.
- 1-2.** To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings within the City of Gem Lake.
- 1-3.** To provide minimum standards for the maintenance and conservation of existing residential buildings, the rehabilitation of existing substandard residential buildings, thus to prevent slums and blight.
- 1-4.** To provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of occupants of buildings.
- 1-5.** To provide minimum standards for light and ventilation, necessary to health and safety.
- 1-6.** To prevent overcrowding of dwellings by providing minimum space standards per occupant for each dwelling unit.
- 1-7.** To provide a diversity of housing choice and reasonable amount of low and moderate income housing in the City.
- 1-8.** With respect to rental disputes, and except as otherwise specifically provided by the terms of this Ordinance, it is not the intention of the City Council to intrude upon the fair and accepted contractual relationship between tenant and landlord. The City Council does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to be receptive to complaints from tenant or landlord which are not specifically and clearly relevant to the provisions of this ordinance. In the absence of such relevance with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of City government.

Neither in enacting this Ordinance is it the intention of the City Council to interfere or permit interference with legal rights to personal privacy.

1-9. Any minimum standards shall not exceed the minimum standards provided for new construction by the Minnesota Building Code, and in the event any minimum standards herein do exceed said Building Code, the standards of the Minnesota State Building Code shall govern.

SECTION 2. APPLICABILITY OF ORDINANCE. Every building and its premises used in whole or in part as a home or residence, or as an accessory structure thereof, for a single family or person, and every building used in whole or in part as a home or residence of two or more persons or families living in separate units shall conform to the requirements of this Ordinance, irrespective of when such building may have been constructed, altered, or repaired. This Ordinance establishes minimum standards for erected dwelling units, accessory structures, and related premises.

SECTION 3. DEFINITIONS. The following definitions shall apply to the interpretation and enforcement of this Ordinance.

3-1. ACCESSORY STRUCTURE – a structure subordinate to the main or principal dwelling or dwellings and which is not used nor authorized to be used for living or sleeping by human occupants and which is located on or partially on the premises.

3-2. BUILDING – any structure erected for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

3-3. COMPLIANCE OFFICIAL – the City Clerk and his designated agents authorized to administer and enforce this Ordinance.

3-4. DWELLING – a building, or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including 1-family dwelling, 2-family dwellings, and multiple family dwellings; but not including hotels and motels.

3-5. DWELLING UNIT – a single residential accommodation which is arranged, designed, used or, if vacant, intended for use exclusively as a domicile for one family. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

3-6. FAMILY – any of the following definitions shall apply:

3-6.1. A person or persons related by blood, marriage, or adoption, together with his or their domestic servants or gratuitous guests, all

maintaining a common household in a dwelling unit approved and certified by the appropriate public agency.

3-6.2. Group or foster care of not more than six (6) wards of clients by an authorized person or persons, related by blood, marriage, or adoption, together with his or their domestic servants or gratuitous guests, all maintaining a common household in a dwelling unit approved and certified by the appropriate public agency.

3-6.3. A group of not more than five (5) persons not related by blood, marriage or adoption maintaining a common household in a dwelling unit.

3-7. FLUSH WATER CLOSET – a toilet, with a bowl and trap made in one piece, which is connected to the City water system and sewer system or other approved water supply and sewer system.

3-8. GARBAGE – putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

3-9. 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.

3-10. HABITABLE ROOM – a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, including bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements, (those without required ventilation, required electric 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.

3-11. HEATED WATER – water heated to a temperature of not less than 120° Fahrenheit, or such lesser temperature required by government authority, measured at faucet outlet.

3-12. KITCHEN – a space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment, and adequate space for the storage of cooking utensils.

3-13. MULTIPLE FAMILY DWELLING – a dwelling or portion thereof containing three or more dwelling units.

3-14. OCCUPANT – any person (including owner or operator) living, sleeping, cooking and eating in a dwelling unit or living and sleeping in a rooming unit.

3-15. OPERATOR – the owner or agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

3-16. 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 as trustee 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 Ordinance to the same extent as the owner.

3-17. PERMISSIBLE OCCUPANCY – the maximum number of persons permitted to reside in dwelling unit or rooming unit.

3-18. PERSON – an individual, firm, partnership, association, corporation or joint venture or organization of any kind.

3-19. PLUMBING – all of the following supplied facilities and equipment in a dwelling: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar fixtures and the installation thereof, together with all connections to water, sewer and gas lines.

3-20. PREMISES – a platted lot or part thereof or unplatted parcel of land, either occupied or unoccupied by any dwelling or non-dwelling structure, including such building, accessory structure or other structure thereon.

3-21. 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.

3-22. REFUSE – all putrescible and non-putrescible waste solids including garbage and rubbish.

3-23. RENTAL DWELLING OR DWELLING UNIT – a dwelling or dwelling unit let for rent or lease.

3-24. REPAIR – to restore to a sound and acceptable state of operation, serviceability or appearance.

3-25. RODENT HARBORAGE – any place where rodents can live, nest, or seek shelter.

3-26. 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.

3-27. 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.

3-28. SAFETY – the condition of being reasonably free from danger and hazards which may cause accidents or diseases.

3-29. SUBSTANDARD DWELLING – any dwelling which does not conform to the minimum standards established by City Ordinance.

3-30. SUPPLIED – paid for, furnished by, provided by or under the control of the owner, operator, or agent of a dwelling.

3-31. 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, dwelling unit or rooming unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the State of Minnesota, and the City of Gem Lake, including the following requirements:

4-1. MAINTENANCE OF SHARED OR PUBLIC AREAS. Every owner of a dwelling containing more than two dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

4-2. MAINTENANCE OF OCCUPIED AREAS. Every occupant of a dwelling, dwelling unit or rooming unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

4-3. STORAGE AND DISPOSAL OF RUBBISH. Every occupant of a dwelling, dwelling unit or rooming unit shall store and dispose of all his rubbish in a clean, sanitary, and safe manner as prescribed by the City Ordinances.

4-4. STORAGE AND DISPOSAL OF GARBAGE. Every occupant of a dwelling, dwelling unit or rooming unit shall store and dispose of all his garbage and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary, and safe manner as prescribed by the City Ordinances.

4-5. RESPONSIBILITY FOR STORAGE AND DISPOSAL OF GARBAGE AND RUBBISH. Every owner of a multiple family dwelling shall supply facilities for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of

single or two-family dwellings, it shall be the responsibility of the occupant to furnish such facilities.

4-6. RESPONSIBILITY FOR STORM AND SCREEN DOORS AND WINDOWS.

The owner of a rental dwelling containing more than two dwelling units shall be responsible for providing and hanging all screens and storm doors and storm windows whenever the same are required under the provisions of this Ordinance, except where there is written agreement otherwise between the owner and occupant.

4-7. RESPONSIBILITY FOR PEST EXTERMINATION. Every occupant of a dwelling containing 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 in a dwelling 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 or reasonable vermin-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.

4-8. RODENT HARBORAGES PROHIBITED IN OCCUPIED AREAS. No occupant of a dwelling or dwelling unit shall accumulate boxes, lumber, scrap metal, or any other similar materials in such a manner that may provide a rodent harborage in or about any dwelling or dwelling unit. Stored materials shall be stacked neatly in piles.

4-9. RODENT HARBORAGES 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 by the owner or permitted to be stored by the owner shall be stacked neatly in piles.

4-10. PREVENTION OF FOOD FOR RODENTS. No owner or occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials that may serve as food for rodents in a site accessible to rodents.

4-11. SANITARY MAINTENANCE OF FIXTURES AND FACILITIES. Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

4-12. MINIMUM HEATING CAPABILITY 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° 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 through May.

4-13. REMOVAL OF SNOW AND ICE. The owner of a multiple family dwelling or dwelling containing more than two dwelling units shall be responsible for the removal of snow and ice from parking lots, driveways, steps and walkways on the premises. Individual snowfalls of three inches or more, or successive snowfalls accumulating to a depth of three inches, shall be removed from parking lots and driveways within 24 hours after cessation of the snowfall. Individual snowfalls of one inch or more, or successive snowfalls accumulating to a depth of one inch, shall be removed from steps and walkways within eight hours after cessation of the snowfall.

4-14. MINIMUM EXTERIOR LIGHTING. The owner of a multiple family dwelling or dwelling containing more than two dwelling units shall be responsible for providing and maintaining effective illumination in all exterior parking lots and walkways.

4-15. MAINTENANCE OF DRIVING AND PARKING AREAS. The owner of a multiple family dwelling containing more than two dwelling units shall be responsible for providing and maintaining in good condition paved and delineated parking areas and driveways for tenants.

4-16. MAINTENANCE OF YARDS. The owner of a multiple family dwelling or dwellings containing more than two dwelling units shall be responsible for providing and maintaining premises yards.

SECTION 5. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES. No person shall occupy as owner, occupant, or let to another for occupancy and dwelling or dwelling unit, for the purposes of living, sleeping, cooking and eating therein, which does not comply with the following requirements:

5-1. KITCHEN FACILITIES. Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked and which shall have adequate circulation area, and which shall be equipped with the following:

5-1.1. A kitchen sink in good working condition and properly connected to an approved water supply system and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sewer system.

5-1.2. Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not require refrigeration for safekeeping, and a counter or table for food preparation. Said cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

5-1.3. 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.

5-2. TOILET FACILITIES. Within every dwelling unit there shall be an uninhabitable room which is equipped with a flush water closet in good working condition. In a rental dwelling unit, such room shall have an entrance door which affords privacy. Said flush water closet shall be equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause water closet to be operated properly, and shall be connected to an approved sewer system.

5-3. 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 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.

5-4. BATHTUB OR SHOWER. Within every dwelling unit there shall be an uninhabitable room which is equipped with a bathtub or shower in good working condition. In a rental dwelling unit, 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.

5-5. 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 four risers high shall have handrails not less than 30 inches high nor more than 34 inches from the nose of the stair tread to the top of the handrail. Every porch which is more than four risers high and every balcony shall have handrails 30 inches high and every balcony and landing shall have guardrails not less than 36 inches in height and intermediate rails each 9 inches. Every handrail and balustrade 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 stair shall be uniform in width and height. Stairways shall be capable of supporting a live load of 100 pounds per square foot of horizontal projection.

5-6. ACCESS TO DWELLING UNIT. Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

5-7. DOOR LOCKS. No owner shall occupy nor let to another for occupancy and dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with safe, functioning locking devices. Multiple family dwellings shall be furnished with door locks as follows:

5-7.1. For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple family dwellings constructed after May 5, 1969, 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 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 from the outside and permanently unlocked from the inside.

5-7.2. Every door that is designed to provide 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 open able from the inside without the use of a key or special knowledge or effort.

SECTION 6. 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:

6-1. HABITABLE ROOM VENTILATION. Except where there is supplied some other device affording adequate ventilation and approved by the Compliance Official, every habitable room shall have at least one window facing directly outdoors which can be opened easily with an area of not less than 10% of the floor area with a minimum of 10 square feet.

6-2. NONHABITABLE ROOM VENTILATION. Every bathroom and water closet compartment, and every laundry and utility room shall contain at least the ventilation requirement for habitable rooms contained in Section 7-1, except that no windows shall be required if such rooms are equipped with a ventilation system capable of providing for five air changes per hour.

6-3. ELECTRIC SERVICE, OUTLETS AND FIXTURES. Every dwelling unit and all public and common areas shall be supplied with electric service, functioning over current protection devices, electric outlets, and electric fixtures which are properly installed, which shall be maintained in good and safe working condition, and shall be connected to a source of electric power in a manner prescribed by the Ordinance, rules and regulations of the City of Gem Lake and by the laws of the State of Minnesota. The minimum electric outlets and fixtures shall be as follows:

6-3.1. Dwelling containing one or two dwelling units shall have at least the equivalent of 60-ampere, three-wire electric service per dwelling unit as a condition of sale.

6-3.2. Dwelling units shall have at least one branch electric circuit for each 600 square feet of dwelling unit floor space.

6-3.3. Every habitable room shall have at least one floor or wall-type electric convenience outlet for each 60 square feet or fraction thereof of the total floor space, 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.

6-3.4. 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.

6-3.5. Every public hall and stairway in every multiple family dwelling shall be adequately lighted by natural or electric light at all times, so as to provide effective illumination in all parts thereof. 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 lighting.

6-3.6. 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 7. MINIMUM THERMAL STANDARDS. 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 which are maintained in safe and good working condition, and which are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least 68° Fahrenheit at a distance of three feet above floor level and three feet from exterior walls at an outside temperature of -25° Fahrenheit. 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. Portable heating equipment employing flame and the use of liquid fuel does not meet the requirements of this section and is prohibited. 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 8. GENERAL REGULATIONS. No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purposes of living therein, which does not comply with the following requirements:

8-1. 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 deterioration, holes, breaks, loose or rotting Councils or timbers, and any other condition which might emit rain or dampness to the interior portion of the walls or to the exterior 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 wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment. If 25% or more of the exterior surface of such wood surface is unpainted or determined by the Compliance Official to be paint blistered, the surface shall be painted. If 25%

or more of the exterior surface of the pointing of any brick, block or tone wall is loose or has fallen out, the surface shall be repaired.

8-2. WINDOWS, DOORS AND SCREENS. Every window, exterior door, and hatchway shall be substantially tight and shall be kept in sound condition and 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, wind, vermin and rodents from entering the building. Every open able window or other device required by Section 7-1, shall be supplied with 16-mesh screens during the insect season.

8-3. FLOORS, INTERIOR WALLS AND CEILINGS. Every floor, interior wall, and ceiling shall be adequately 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 free of holes and large cracks and loose plaster and shall be maintained in a tight weatherproof 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 in a clean and sanitary condition.

8-4. RODENT PROOF. Every dwelling and accessory structure and the premises upon which located shall be maintained in a rodent-free and rodent-proof condition. 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.

8-5. FENCE MAINTENANCE. All fences supplied by the owner or agent 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 both in appearance and in structure. Wood materials, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives.

8-6. ACCESSORY STRUCTURE MAINTENANCE. Accessory structures supplied by the owner, agent or tenant occupant on the premises of a dwelling shall be structurally sound, and be maintained in good repair and appearance. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials such as paint or other preservatives.

8-7. 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 loads that normal use may cause to be placed thereon.

8-8. FACILITIES TO FUNCTION. Every supplied facility piece of equipment of utility required under City Ordinances and every chimney and flue shall be installed and maintained and shall function effectively in a safe, sound and working condition.

8-9. GRADING AND DRAINAGE. During the period May through October, every yard, court, passageway, and other portions in 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.

8-10. YARD COVER. Every yard of a premises on which a dwelling stands shall be provided with lawn or combined ground cover of vegetation, garden, hedges, shrubbery, and related decorative materials and such yard shall be maintained consistent with prevailing community standards.

8-11. DISCONTINUANCE OF SERVICE OR FACILITIES. No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this Ordinance, to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

SECTION 9. MAXIMUM DENSITY, MINIMUM SPACE, USE AND LOCATION REQUIREMENTS. No person shall occupy nor permit or let to be occupied any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements:

9-1. PERMISSIBLE OCCUPANCY OF DWELLING UNIT. With the exception of owners occupying a respective dwelling unit prior to June 1, 1975, the maximum permissible occupancy of any dwelling unit shall be determined as follows:

9-1.1. 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.

9-1.2. In no event shall the total number of occupants exceed 2 times the number of habitable rooms, less kitchen, in the dwelling unit.

9-2. ONE FAMILY PER DWELLING UNIT. Not more than one family, except for temporary guests, shall occupy a dwelling unit.

9-3. MINIMUM CEILING HEIGHT. In order to qualify as habitable, rooms shall have a clear ceiling height of not less than 7 feet, 6 inches, except that in attics or top-half-stores used for sleeping, study, or similar activities, the ceiling height shall be not less than 7 feet, 6 inches over at least 40% of the floor area. In calculating the floor area of such rooms in attics or top-half-stores, only those portions of the floor area in the room having a clear ceiling height of 5 feet or more may be included.

9-4. ACCESS THROUGH SLEEPING ROOMS AND BATHROOMS. No dwelling unit built after 1940 and containing two or more sleeping rooms shall have a room arrangement such that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be gained only by going through another sleeping room, nor shall the room arrangement be such that access to a sleeping room can be gained only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement or cellar or to the exterior of any dwelling unit.

SECTION 10. LICENSING OF RENTAL UNITS. From and after January 1, 2008, no person shall operate a rental dwelling without first having obtained a license to do so from the City of Gem Lake as hereinafter provided. All rental licenses shall expire on December 31, 2010, thereafter every two years. Licenses which have less than one year remaining on this term shall pay one-half of the license fee.

10-1. LICENSE FEES. Fees for rental unit licenses shall be as set forth by the City Council in a fee schedule, which the Council shall pass by ordinance from time to time. The fees shall be due 60 days prior to the license expiration date; in the cases of new unlicensed dwellings, license fees shall be due upon issuance of the certificate of occupancy; in the cases of licensing periods of less than two years, license fees shall be prorated monthly:

A delinquency penalty of 5% of the license fee for each day of operation without a valid license shall be charged operators of rental dwellings. Once issued, a license is nontransferable and the licensee shall not be entitled to a refund of any license fee upon revocation or suspension.

10-2. OWNER OR AGENT TO APPLY. License application or renewal shall be made by the owner of rental units or his legally constituted agent. Application forms may be acquired from and subsequently filed with the Compliance Official. The applicant shall supply:

10-2.1. Name, address, and telephone number of dwelling owner, owning partners if a partnership, corporate officers if a corporation.

10-2.2. Name, address, and telephone number of designated resident agent, if any.

10-2.3. Name, address and telephone number of vendee, if the dwelling is being sold through a contract for deed.

10-2.4. Legal address of the dwelling.

10-2.5. Number of dwelling units within the dwelling.

10-2.6. Description of procedure through which tenant inquiries and complaints are to be processed.

10-3. RESIDENT AGENT REQUIRED. No operating license shall be issued or renewed for a non-resident owner of rental dwelling units (one who does not reside in any of the following Minnesota Counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, or Washington) unless such owner designates in writing to the Compliance Official the name of his resident agent (one who does reside in any of the following Minnesota Counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, or Washington) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the City Ordinance, to receive orders and to institute remedial action to effect such orders and to accept all service or process pursuant to law. The Compliance Official shall be notified in writing of any change of resident agent.

10-4. CONFORMANCE TO LAWS. No operating license shall be issued or renewed unless the rental dwelling and its premises conform to the Ordinances of the City of Gem Lake and the laws of the State of Minnesota.

10-5. INSPECTION CONDITION. No operating license shall be issued or renewed unless the owner of rental units agrees in his application to permit inspections pursuant to Section 10.

10-6. POSTING OF LICENSE. Every licensee of a multiple dwelling shall cause to be conspicuously posted in the main entry way or other conspicuous location therein the current license for the respective multiple dwelling.

10-7. LICENSE NOT TRANSFERABLE. No operating license shall be transferable to another person or to another rental dwelling. Every person holding an operating license shall give notice in writing to the Compliance Official within 72 hours after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control of such rental dwelling or dwellings.

10-8. OCCUPANCY REGISTER REQUIRED. Every owner of a licensed rental dwelling containing three or more dwelling units shall keep, or cause to be kept, a current register of occupancy for each dwelling unit which provides the following information:

10-8.1. Dwelling unit address.

10-8.2. Number of bedrooms in dwelling unit.

10-8.3. Names of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units.

10-8.4. Dates renters occupied and vacated dwelling units.

10-8.5. A chronological list of complaints and request for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this Ordinance, and

10-8.6. A similar chronological list of all corrections made in response to such requests and complaints.

Such register shall be made available for viewing or copying by the Compliance Official at all reasonable times.

10-9. LICENSE SUSPENSION OR REVOCATION. Every operating license issued under the provisions of this Ordinance is subject to suspension or revocation by the City Council should the licensed owner or his duly authorized resident agent fail to operate or maintain licensed rental dwellings and units therein consistent with the provisions of the Ordinances of the City of Gem Lake and the laws of the State of Minnesota. In the event that an operating license is suspended or revoked by the City Council for just cause, it shall be unlawful for the owner of his duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as valid operating license may be restored by the City Council. Any person violating this provision shall be guilty of a violation of this Ordinance.

SECTION 11. ENFORCEMENT AND INSPECTION AUTHORITY. The City Clerk and his designated agents shall be the Compliance Official who shall administer and enforce the provisions of this Ordinance and who are hereby authorized to cause inspections on a scheduled basis for rental units, or otherwise when reason exists to believe that a violation of this Ordinance has been or is being committed. Inspections shall be conducted during reasonable daylight hours and the Compliance Official shall present evidence of official capacity to the occupant in charge of a respective dwelling unit.

11-1. INSPECTION ACCESS. Any owner, occupant, or other person in charge of a dwelling or dwelling unit may refuse to permit free access and entry to the structure or premise under his control for inspection pursuant to this Ordinance, whereupon the Compliance Official may seek a court order or administrative search warrant authorizing such inspection. Any costs incurred by the City in obtaining said order or warrant shall be charged to the owner or occupant refusing access.

SECTION 12. UNFIT FOR HUMAN HABITATION.

(1). Any dwelling, dwelling unit, or rooming unit which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, or other 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. Whenever any dwelling, dwelling unit, or rooming unit has been 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.

(2). It shall be unlawful for such dwelling, dwelling unit, or rooming unit 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.

12-1. 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 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 or windows, 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.

12-2. HAZARDOUS BUILDING DECLARATION. In the event that a dwelling has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and treated constant with the provisions of Minnesota Statutes.

SECTION 13. COMPLIANCE ORDER. Whenever the Compliance Official determines that any dwelling, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the provisions of this Ordinance, he may issue a Compliance Order setting forth the violations of the Ordinance and ordering the owner, occupant, operator, or agent to correct such violations. This Compliance Order shall:

- (1) Be in writing.
- (2) Describe the location and nature of the violations of this Ordinance.
- (3) Establish a reasonable time for the correction of such violation and notify of appeal recourse.
- (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 (a) and (b) as set out in this Section, posted at a conspicuous place in or about the dwelling which is affected by the notice.

13-1. 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, such person may appeal the compliance order to the City Council sitting as a Board of Appeals and Adjustments. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee as established by the City Council in cash or cashier's check, and must be filed with the City Clerk 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.

13-2. BOARD OF APPEALS DECISION. Upon at least five (5) business days notice to the appellant of the time and place for hearing the appeal, and within thirty (30) days after said appeal is filed, the Board of Appeals and Adjustments shall hold a hearing thereon. The Board of Appeals and Adjustments may reverse, modify, or affirm, in whole or in part, the compliance order and may order return of all or part of the filing fee if the appeal is upheld.

13-3. RESTRICTIONS 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, lease or otherwise dispose thereof to another person until the provision of the tag or compliance order have been complied with unless such owner shall furnish to the 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 violation tag or 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.

13-4. PENALTIES. Any person who fails to comply with a compliance order after right of appeal has expired, and any person who fails to comply with a modified compliance order within the time set therein, upon conviction therefore shall be punished as hereinafter provided for conviction of violation of this Ordinance.

13-5. 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 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, but the assessment shall be payable in a single installment.

SECTION 14. ALTERNATIVE SANCTIONS. Notwithstanding the availability of the foregoing compliance procedures and the penalties, whenever the Compliance Official determines that any dwelling, dwelling unit, or rooming unit or the premises surrounding any of these fails to meet the requirements set forth in this Ordinance, the Compliance Official may issue a violation tag summoning the responsible person into court or request the issuance of a criminal complaint and arrest warrant.

SECTION 15. PENALTIES. In addition to any fines, costs, or assessments provided for by this Ordinance or other City Ordinances, the City may prosecute a violation of any provision of this Ordinance as a misdemeanor, and a person, if convicted, may be punished by the maximum fine and term of imprisonment provided by Minnesota Statutes § 609.02, subd. 3, as that statute may be amended from time to time.

SECTION 16. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

SECTION 17. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and publication.

Dated: _____

Paul Emeott, Mayor

Bill Short, City Clerk