

CHAPTER 4
BUILDING REGULATIONS AND PERMITS

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SECTION 1

BUILDING REGULATIONS AND PERMITS

SECTION:

- 4-1-1: Building Code Adopted by Reference
- 4-1-2: Building Permits Required
- 4-1-3: Permits and Fees
- 4-1-4: Permits and Special Requirements for Moving Buildings
- 4-1-5: Completion of Exterior Work
- 4-1-6: Temporary Habitation

4-1-1: BUILDING CODE ADOPTED BY REFERENCE.

- A. The Minnesota State Building Code (SBC), as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance as if fully set out herein. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statute 16B.62 subdivision 1 when so established by this ordinance. The code enforcement agency of the City is called the Building Official. This code shall be enforced by the Minnesota Certified Building Official designated by the City to administer the code (Minnesota Statute 16B.65) Subdivision 1. (Ord 80, SS, 12-15-2003)
- B. Building Code Optional Chapters. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 allows the Municipality to adopt the reference and enforce certain optional chapter of the most current edition of the Minnesota State Building Code. The following optional provisions identified in the most current edition of the State Building Code area hereby adopted and incorporated as part of the building code for this municipality.
1. Chapter 1335, Flood proofing Regulations, parts 1335.0600 to 1335.1200.
(Ord 80, SS, 12-15-2003; Ord 47, SS, 2-1-1999; Ord 37, SS, 8-7-1995)

4-1-2: BUILDING PERMITS REQUIRED. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any

building or structure, or any part of portion thereof, including but not limited to; the plumbing, electrical, ventilating, heating or air conditioning systems therein, or cause the same to be done, without first obtaining a separate building or mechanical permit for each such building, structure or mechanical component from the City. A violation of the code is a misdemeanor (Minnesota Statute 16B.69). (Ord 80, SS, 12-15-2003; Ord 58, SS, 2-1-1999; Ord 37, SS, 8-7-1995)

- A. Premature Issuance. The City shall not approve any permits for property that has not been granted a designation on the City's Official Zoning Map. (Ord 137, SS, 8-3-2009)

4-1-3: PERMITS AND FEES. The issuance of permits and the collection of fees shall be as authorized in Minnesota statute 16B.62 subdivision 1 and as provided for in chapter 1 of the 1997 Uniform Building Code and Minnesota rules parts 1305.0106 and 1305.0107. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70. (Ord 80, SS, 12-15-2003; Ord 58, SS, 2-1-1999; Ord 37, SS, 8-7-1995; Ord 211, SS 12-21-2015)

4-1-4: PERMITS AND SPECIAL REQUIREMENTS FOR MOVING BUILDINGS.

- A. Definitions. The following terms, as used in this Section, shall have the meanings stated:
 - 1. "Highway" means a public thoroughfare for vehicular traffic which is a State trunk highway, County State-aid highway, or County road.
 - 2. "Street" means a public thoroughfare for vehicular traffic which is not a State trunk highway, County State-aid highway or County road.
 - 3. "Moving Permit" means a document allowing the use of a street or highway for the purpose of moving a building.
 - 4. "Highway Moving Permit" means a permit to move a building on a highway for which a fee is charged which does not include route approval, but does include regulation of activities which do not involve the use of the highway; which activities include, but are not limited to, repairs or alterations to a municipal utility required by reason of such movement.
 - 5. "Street Moving Permit" means a permit to move a building on a street for which a fee is charged which does include route approval, together with use of the street and activities including, but not limited to, repairs or alteration to a municipal utility required by reason of such movement.

6. "Combined Moving Permit" means a permit to move a building on both a street and a highway.
- B. Application. The application for a moving permit shall state the dimensions, weight, and approximate loaded height of the structure or building proposed to be moved, the place from which and to which it is to be moved, the route to be followed, the dates and times of moving and parking, the name and address of the mover, and the municipal utility and public property repairs or alterations that will be required by reason of such movement. In the case of a street moving permit or combined moving permit the application shall also state the size and weight of the structure or building proposed to be moved and the street alterations or repairs that will be required by reason of such movement.
 - C. Permit and Fee. The moving permit shall state date or dates of moving, hours, routing, movement and parking. Permits shall be issued only for moving buildings by building movers licensed by the State of Minnesota, except that a permit may be issued to a person moving his own building, or a person moving a building which does not exceed sixteen (16) feet in width, twenty-four (24) feet in length, or fourteen (14) feet in loaded height. Fees to be charged shall be separate for each of the following: (1) a moving permit to cover use of streets and route approval, and (2) a fee equal to the anticipated amount required to compensate the City for any municipal utility and public property (other than streets) repairs or alterations occasioned by such movement. All permit fees shall be paid in advance of issuance.
 - D. Building Permit. Before any building is moved from one location to another within the City, or from a point of origin without the City to a destination within the City, regardless of the route of movement, it shall be inspected and a building permit shall have been issued.
 - E. Unlawful Acts.
 1. It is unlawful for any person to move a building on any street without a moving permit from the City.
 2. It is unlawful for any person to move a building on a highway without a highway moving permit from the City.
 3. It is unlawful to move any building (including a manufactured home) if the point of origin or destination (or both) is within the City, and regardless of the route of movement, without having paid in full all real and personal property taxes, special assessments and municipal utility charges due on the premises of origin and filing written proof of such payment with the City.

Effective Date: 06-01-1990

4-1-5: COMPLETION OF EXTERIOR WORK. The roof and all exterior surfaces of residential buildings, and buildings and structures accessory thereto, shall be completed with exterior finish materials within twelve (12) months after the date of the building permit issued for the new construction, alteration, remodeling or relocation of such building or structure. This period may be extended by Council action for an additional six (6) months in the case of a demonstrated hardship due to sources beyond the control of the permit holder. (Ord 150, SS, 2-6-2011)

4-1-6: TEMPORARY HABITATION:

A. **Purpose:** The purpose of this Section is to provide for the erection of and habitation in temporary structures (not including model homes/temporary real estate offices or temporary classroom structures for use by a public or private institution) needed for emergency purposes or for temporary use during the construction of a permanent structure.

B. **Application.** The property owner and present or potential occupants of a single family property may apply for a permit allowing for habitation in a temporary structure during the construction or repair of a single family dwelling unit when a valid building permit has been issued for such work on the site by supplying the following information:

1. Properly filled out application form accompanied by the fee established in the fee schedule.
2. Site and Building Plan that includes the following information:
 - a. Proposed Location of the temporary structure in relation to all existing buildings on the site, property lines, and right-of-ways.
 - b. Utility plan depicting the provision of water and sewer services to the proposed temporary dwelling unit.
 - c. Structural floor plan depicting the size and location of rooms and facilities within the temporary dwelling unit.

C. **Special Requirements:**

1. Site Plan Required: No permit shall be issued for a temporary structure unless a site plan pursuant to Section 10-9 has also been approved if applicable, or unless a building permit has been issued for a new structure, addition or remodeling of an existing structure on the property - that includes a site plan depicting the location of the temporary dwelling unit.

2. Termination of Permit: The Council may grant temporary occupancy for a period not to exceed 90 days. Upon finding by the Building Official of substantial progress, the Building Official may administratively extend this period of time an additional 90 days. Any extensions beyond this time period may only be approved by Council action if sufficient conditions warrant such an extension.
 3. Setbacks: Temporary structures may not be placed in a required building setback area.
 4. State Building Code: All applicable requirements of the State Building Code shall be met.
 5. Water and Sewer: Provisions for water and sewer servicing the temporary structures shall be subject to the review and approval of the Building Official and City Council.
 6. Security Measures: Security measures such as lighting shall be implemented subject to the review and approval of the Zoning Administrator.
 7. Off-Street Parking. Off-street parking shall be provided subject to the provisions of Section 10-19.
 8. Signage. Any signage shall conform to the provisions of Section 10-23.
 9. Escrow. The property owner shall submit a financial guarantee to ensure the structure will be removed upon termination of the permit. The amount of the guarantee shall be established by the City's fee schedule and as may be modified by the City Council.
 10. Access. The temporary structure shall only be accessed through permitted access driveways.
- D. Review Procedure. Upon acceptance and review of the application by the Building Official and/or the Zoning Administrator, the application shall be placed on the agenda of the next available Council meeting for review. The Council shall review the application and review the request based on the following:
1. The applicant has the sufficient space available on site for locating the temporary structure.
 2. The applicant is providing adequate financial guarantees to ensure the removal of the temporary structure.

3. The temporary structure has adequate utilities and sanitary facilities.
4. The temporary structure is suitable for the purpose intended.
5. The structure will not negatively impact public health and safety on neighboring properties.

(Ord 178, SS, 11-19-12, Effective Date: 12-23-13)

SECTION 2

RESIDENTIAL HOUSING STANDARDS

(Ord. 188, Effective 1/18/14)

SECTION:

- 4-2-1: Purpose
- 4-2-2: Residential Health and Safety Hazards
- 4-2-3: Unfit for Human Habitation
- 4-2-4: Administration and Enforcement

4-2-1: PURPOSE. The purpose of this Section is to maintain the City's sanitation, public health and attractiveness, protect the safety of the people, and to promote the general welfare. These general objectives include, among others the following:

- A. To protect the character and stability of the residential areas.
- B. To correct and prevent conditions that adversely affect or are likely to adversely affect the safety, general welfare, and health of persons owning or renting residential facilities.
- C. To provide for sound maintenance of cooking, heating, sanitary, electrical, light and ventilation systems necessary for health and safety.
- D. To provide basic standards for the maintenance of existing residential structures and to prevent deterioration and blight.
- E. To preserve the value of land and structures throughout the City.

4-2-2: RESIDENTIAL HEALTH AND SAFETY HAZARDS. The following are considered immediate hazards to health and safety for human occupancy:

- A. Heating systems that are unsafe due to:
 - 1. Burned out or rusted out heat exchanges (fire box).
 - 2. Burned out, or plugged flues.
 - 3. Not being vented.
 - 4. Being connected with unsafe gas supplies.

- B. Water heaters that are unsafe due to:
 - 1. Burned out or rusted out heat exchanges (fire box).
 - 2. Burned out, rusted out, or plugged flues.
 - 3. Not being vented.
 - 4. Being connected with unsafe gas supplies.
 - 5. Lack of temperature and pressure relief valves.

- C. Electrical systems that are unsafe due to:
 - 1. Dangerous overloading.
 - 2. Damaged or deteriorated equipment.
 - 3. Improperly taped or spliced wiring.
 - 4. Exposed or un-insulated wires.
 - 5. Distribution systems of extension cords or other temporary methods.
 - 6. Ungrounded system, ungrounded appliances in contact with earth.

- D. Plumbing systems that are inoperable or unsanitary due to:
 - 1. Leaking waste systems, fixtures and traps.
 - 2. Lack of a water closet.
 - 3. Lack of washing or bathing facilities.
 - 4. Cross connection of pure water supply with fixtures of sewage lines.
 - 5. System failure.

- E. Structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems, that will not safely carry imposed loads.

- F. Rubbish, garbage, human waste, decaying vermin or dead animals, animal waste, other materials rendering it unsanitary for human occupancy.

- G. Infestation of rodents, insects, vermin and other pests.

H. Water supply that is inoperable or unsanitary due to:

1. Leaking supply pipes, fixtures and traps.
2. Cross connection with sewage lines.
3. System failure.

4-2-3: UNFIT FOR HUMAN HABITATION.

- A. Declaration. Any dwelling unit which is in violation of Section 4-2-2, damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, or which lacks provision for illumination, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or to the public may be declared unfit for human habitation. Whenever any dwelling unit has been declared unfit for human habitation the City Inspector shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation.
- B. Vacated Building. It is unlawful for a vacant building unit which has been declared unfit for human habitation to be occupied until the defective conditions have been corrected and certificate of occupancy has been issued by the City Inspector. It is unlawful for any person to deface or remove the placard from any such dwelling unit.
- C. Secure Unfit and Vacated Dwellings. The owner of any dwelling unit which has been declared unfit for human habitation or which is otherwise vacant for a period of sixty (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 within the meaning of this Section.
- D. 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 reasonable time, the dwelling may be declared a hazardous building and treated consistent with the provisions of Section 463.15 of the Minnesota Statutes.

4-2-4: ADMINISTRATION AND ENFORCEMENT.

- A. Compliance. Whenever the Building Official determines or has reasonable grounds to believe that there has been a violation of any provision of this Section, he shall give notice of such alleged violation to the person responsible therefore. Such notice shall:
1. Be in writing.

2. Include a description of the real estate sufficient for identification.
 3. Describe in sufficient detail each violation.
 4. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Section.
 5. Allow a reasonable time, not to exceed sixty (60) days, for the performance of any act it requires.
 6. Be served upon the owner, agent, operator or occupant; such notice shall be deemed to be properly served if a copy thereof is:
 - a. Served upon said owner, agent, operator or occupant;
 - b. Sent by mail to the last known address; or,
 - c. Upon failure to effect the compliance order through (a) or (b), above, said order will be posted at a conspicuous place in or about the affected dwelling unit.
- B. Unlawful Act. It is unlawful for any person to fail to meet the requirements of the compliance order.
- C. Execution of Compliance Orders. Upon failure to comply with a compliance order within the time set and no appeal having been taken the 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 placed against the subject property and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429.
- D. 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 Section, such person may appeal the compliance order as set forth in Chapter 10-3-6 of the Zoning Ordinance. The filing of an appeal shall stay all proceedings, unless such a stay would cause imminent peril to life, health, safety or property.
- E. Emergency Cases. When a violation of this Section constitutes an imminent peril to life, health, safety or property, the City may require immediate compliance and if necessary take appropriate action to correct the violation.

SECTION 3

UNIFORM NUMBERING SYSTEM

SECTION:

- 4-3-1: Purpose
- 4-3-2: Assignment of Numbers
- 4-3-3: Display of Numbers
- 4-3-4: Administration
- 4-3-5: Unlawful Act

4-3-1: PURPOSE. A uniform system of numbering properties and principal buildings is hereby adopted for use in the City, as indicated on the certain map or maps identified as the City of St. Francis Number Index on file in the office of the City Clerk/Treasurer. Said Index and all explanatory matter thereon is hereby adopted and made a part of this Section.

4-3-2: ASSIGNMENT OF NUMBERS. All properties or parcels of land shall hereafter be identified by reference to the Uniform Numbering System adopted herein. All existing numbers of properties and buildings not now in conformity with the provisions of this Section shall be changed to conform to the system herein adopted within sixty (60) days from the effective date of this Section. Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such building shall bear a separate number.

4-3-3: DISPLAY OF NUMBERS. It is the duty of the owner, lessor or occupant of every house, industrial, commercial or other building, to have a proper house or building number either by affixing such number in metal, glass, plastic, or other curable material, the number shall be not less than three (3) inches in height, in a contrasting color to the base, said numbers shall either be lighted or made of some reflective material and so placed to be easily seen from the street or placed on the mailbox if the mailbox be on the street of the property. The number of plates shall be so placed within sixty (60) days from the effective date of this Section. All auxiliary buildings within a unit having an assigned number, such as garages, barns and buildings of the like nature are not affected by this Section.

4-3-4: ADMINISTRATION. The Building Inspector shall be responsible for maintaining the numbering system and shall keep a record of all numbers assigned under this Section. The Building Inspector shall assign to any property owner upon request and without charge a number of each principal building or separate front

entrance to such building. The Building Inspector shall issue only the number assigned to such building under the provisions of this Section; provided, however, that the Building Inspector may issue additional numerals in accordance with the official numbering system whenever a property has been subdivided, a new front entrance opened, or undue hardship has resulted to any property owner. The property owner shall be responsible for obtaining suitable number for property identification.

4-3-5: UNLAWFUL ACT. It is unlawful for any person to fail to comply with the provisions of this Section, or to affix to or display upon any house or building any such number other than those assigned to it.

SECTION 4

MANUFACTURED HOME PARKS

SECTION:

- 4-4-1: Definitions
- 4-4-2: Location Outside Manufactured Home Parks
- 4-4-3: Manufactured Home Park Permits
- 4-4-4: Building Permit for Manufactured Home Park
- 4-4-5: Site Requirements
- 4-4-6: Manufactured Home Building Code: Anchorage; Manufactured Home Standards Code
- 4-4-7: Variance

4-4-1: DEFINITIONS. The following terms, as used in this Section, shall have the meanings stated:

- A. “Manufactured Home” means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or forty body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected by the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained herein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certificate required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under Minnesota Statutes 327 including the Manufactured Home Building Code adopted herein.
- B. “Manufactured Home Park” means any park, trailer park, trailer court, trailer camp, court, or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any manufactured home coach or manufactured home coaches and upon which any manufacture home coach or manufactured home coaches are parked and shall include all building used or intended for use as part of the equipment thereof whether a charge is made for the use of the manufactured home park and its facilities or not.
- C. “Unit” means a section of ground in a manufactured home park of not less than 6,000 square feet of unoccupied space in an area designated as the location for one manufactured home, off-street parking space for two automobiles and other uses considered pertinent to the establishment and use of a manufactured home residence as permitted by this Section.

Effective Date: 07-24-1988

4-4-2: LOCATION OUTSIDE MANUFACTURED HOME PARKS.

- A. It is unlawful for any person to park any manufactured home or recreational camping vehicle, as defined herein or in any other provisions of the City Code, on any street, alley or highway, or other public place, or on any tract of land owned by any person, occupied or unoccupied within the City, except as provided in this Section or other City Code provisions. No manufactured home which does not meet the standards set out herein shall be permitted within the City unless the same was located herein on the effective date of this Subparagraph. (Ord 23-A, 9-4-1982)
- B. Emergency stopping or parking is permitted on any street, alley, or highway for not longer than three (3) hours subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or City Code provisions for that street, alley or highway.
- C. It is unlawful for any person to park or occupy any manufactured home or recreational camping vehicle on the premises of any occupied dwelling, or any lot which is not a part of any occupied dwelling, either of which is situated outside of an approved manufactured home park; except, the parking of only one manufactured home unoccupied is permitted, providing no living quarters shall be maintained or any businesses practiced in said manufactured home while such manufactured home is so parked or stored. Said manufactured home shall maintain a setback distance of at least ten (10) feet from other buildings, alleys and property lines, thirty-five (35) feet from City streets, and seventy-five (75) from all other highways.

4-4-3: MANUFACTURED HOME PARK PERMITS.

- A. Application for a conditional use permit to establish, construct, and maintain a manufactured home park under the provisions of this Section shall be made to the City Clerk/Treasurer.
- B. The application for a permit shall be accompanied by twenty-five (25) copies of the manufactured home park plan showing the following, either existing or proposed:
 - 1. The extent and area proposed for manufactured home park purposes.
 - 2. Roads, driveways, and garages.
 - 3. Location of sites or units for manufactured homes.

4. Location and number of sanitary connection and utility services.
 5. Proposed disposition of surface drainage.
 6. Proposed street surfacing and lighting.
 7. Off-street parking.
 8. Patios.
 9. Location of community building.
 10. Location of recreation facilities.
 11. Location of setback lines.
 12. Location of screening, planting, green areas, etc.
 13. Any other information requested by the Council.
 14. Name and address of developer.
 15. Description of method of disposing of garbage and refuse.
 16. Detailed description of maintenance procedure and grounds supervision.
 17. Description of construction plans (i.e. time involved, cost estimates, stage development).
 18. A certified survey of the parcel involved showing corner stakes in place.
- C. Each application for a conditional use permit shall be accompanied by a certificate listing ownership on all of the property within three hundred fifty (350) feet of any boundary line of the proposed manufactured home park site.
- D. Each applicant shall be required to pay a fee determined by the Council. Such fee shall include the various expenses incurred.
- E. No conditional use permit for any manufactured home park shall be issued by the Council until after a public hearing has been held on the matter by the Planning and Zoning Commission. This hearing shall be advertised in the official newspaper of the City at least once, not less than ten (10) days and not more than twenty (20) days prior to the public hearing, which notice shall be in addition to the regular posed notices as required for conditional use permits. A notice of said hearing shall be mailed to each of the property owners within three hundred fifty (350) feet.

4-4-4: BUILDING PERMIT FOR MANUFACTURED HOME PARK.

- A. The applicant for a building permit for the construction of a manufactured home park or any part thereof shall comply with all of the provisions of the State Building Code as such provisions may apply.
- B. Each application shall be accompanied by twenty-five (25) copies of detailed plans of the proposed construction and improvement of the site.
- C. Every application for a building permit to construct a manufactured home park shall be accompanied by plans approved by the State of Minnesota Department of Health, and Minnesota Pollution Control Agency showing that the applicant is complying with all recommendations, suggestions and laws under the jurisdiction of those departments.
- D. The building permit shall be issued by the Building Inspector after it has been approved by a majority vote of the Council.
- E. The Building Official shall inspect the installation of all manufactured homes. The inspection fee for each manufactured home shall be determined annually by Council resolution.

4-4-5: SITE REQUIREMENTS.

- A. Every manufactured home park shall be located on a well-drained area and the premises shall be properly guarded so as to prevent the accumulation of storm or other waters.
- B. Each unit shall have a gross area of not less than 6,000 square feet excluding roadway.
- C. Each unit shall have a minimum width of 60 feet measured at right angles to its side lines for rectangular units. For non-rectangular units, the minimum width on a street shall be forty-five (45) feet with a mean width of 60 feet.
- D. Front setback of any manufactured home shall be no less than ten (10) feet from the curb.
- E. Where an alley is provided adjacent to the back line of the unit, there shall be a minimum setback of five (5) feet from said back line. Where there is no alley, the setback from the back line of the unit shall be not less than ten (10) feet.
- F. There shall not be less than twenty (20) feet of space between manufactured homes in all directions.

- G. A patio shall be constructed on the ground beside each manufactured home; this patio shall be not less than two hundred (200) square feet in area constructed of concrete of four inches (4") minimum thickness or approved equal.
- H. Except for the area used for the manufactured home, patio, sidewalk, garage and off-street parking space, the entire manufactured home park shall be sodded and maintained with grass, shrubs and trees, which shall be kept in a green and healthy condition.
- I. Each unit shall abut on and have access to a street. This street shall be constructed of a seven-ton design in accordance with the Minnesota Department of Transportation Design Standards.
- J. A curb and gutter of concrete shall be constructed on each side of the street and the face of this curb shall be at least fifteen (15) feet from the center line of said street. The curb design shall be of a type approved by the City.
- K. There shall be an unused area not less than seventy-five (75) feet in depth along each public street or way and this area shall be sodded and landscaped.
- L. Where a manufactured home park site abuts upon other property there shall be a setback of at least thirty (30) feet and this shall be landscaped.
- M. The parking of more than one (1) manufactured home on any single unit shall not be permitted.
- N. No manufactured home shall be accepted in poor condition, nor may it be inhabited by a greater number of occupants than that for which it was designed. No one shall build any livable additions to a manufactured home.
- O. Water facilities, sewage disposal and street lighting shall be installed and maintained by the owner of the manufactured park site and shall be constructed in accordance with the laws of the State of Minnesota, the regulations of the State Health Department and the City Code provisions, and requirements of the City and the Minnesota Pollution Control Agency.
- P. Each unit shall have a 12 foot x 22 foot minimum garage with a ten (10) foot minimum surfaced driveway. Minimum garage setback shall be thirty (30) feet from the curb.
- Q. All utility lines within the manufactured home park shall be buried, with one hundred (100) amps at the service box.

- R. A minimum of ten percent (10%) of the total manufactured home park area shall be devoted to park and recreation and shall be furnished with playground type equipment.
- S. All boats, boat trailers, hauling trailers, and all other equipment not stored within the manufactured home or the utility enclosure that may have been provided, shall be stored in a separate area provided by the park and not upon the plots occupies by the manufactured homes nor upon the streets within the manufactured home park.
- T. An adequate office, community building, and storm shelter shall be provided.
- U. A two and one-half (2.5) pound dry chemical fire extinguisher shall be located near the door of every manufactured home. Its classification shall be ABC. An adequate number of all weather fire hydrants shall be spaced throughout the park, which number and size shall be as approved by the State Fire Marshal.
- V. Garbage collection shall be provided at least once weekly.
- W. To promote the public health, safety and general welfare of persons within manufactured housing parks, all water systems within manufactured housing parks shall be flushed when the City system is flushed. The owner of each manufactured home park, or its representative, shall contact the Public Utilities Department to schedule the times said park will be flushing the water systems.

Effective Date: 06-01-1990

4-4-6: MANUFACTURED HOME BUILDING CODE: ANCHORAGE; MANUFACTURED HOME STANDARDS CODE.

- A. All manufactured homes occupied or stored in a manufacture home park shall comply with the requirements of the Manufactured Home Building Code, Minnesota Statutes, Sections 327.31 through 327.35, as amended.
- B. Any manufactured home placed in a manufactured home park after September 1, 1974, shall have a support system and ground anchoring system which comply with the rules and regulations promulgated by the State Commissioner of Administration.
- C. All manufactured homes placed in a manufactured home park, which have been manufactured after July 1, 1972, shall bear a seal from the Commissioner of Administration, pursuant to Minnesota Statutes 1978, Section 327.32. (Ord 23-B, 5-26-1984)

4-4-7: VARIANCE.

- A. Council Authority. The Council shall have the power to authorize variances from certain requirements of this Section. Variances shall pertain only to the physical characteristics of the land or structures to be built or placed thereon, such as area, height, extent of lot coverage, setback requirements, density, parking requirements, and other provisions of the site requirements where found necessary by the Council. A written copy of such variance shall be included in the terms of the conditional use permit under which the manufactured home park is governed according to the zoning provisions of Chapter 10 of the City Code.
- B. Application. An application for a variance to this Section shall be filed either together with the application for a conditional use permit as required under this Section or under City Code Chapter 10, or as a separate application if a need for a variance is determined after the application is made for a conditional use permit. All applications shall be filed with the Zoning Administrator and shall be accompanied by:
1. An application fee in an amount equal to that set by resolution of the Council.
 2. Twenty-five (25) copies of the site plan and supporting data which include all requirements of the application for a conditional use permit. If the required number of copies of the site plan have been filed for the conditional use permit application, they may be submitted with the application for a variance to fulfill this requirement.
 3. The application shall include a statement which sets forth the specific provision of this Section for which a variance is being requested. Such statement shall specify the reasons the applicant believes that a variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the City, including what property right is to be preserved and what specific conditions exist on the particular property which make a variance necessary.
- C. Review. The Administrator shall forward copies of the application for review to the Planning and Zoning Commission and to the City Engineer.
1. The Commission shall conduct a public hearing on the variance application and shall give at least ten (10) days mailed notice to property owners within three hundred fifty (350) feet of the property whereon the variance is requested. Published notice shall precede the hearing. Any person may appear and testify at the hearing either in person or by duly authorized agent. The Commission shall review the testimony and consultant recommendations and forward its written findings to the Council

within a reasonable time after the public hearing. If the application for a variance is submitted together with the application for conditional use permit, both matters may be noticed and considered at the same public hearing.

2. The Council shall review the recommendation of the Planning and Zoning Commission, all reports and recommendations of consultants, and shall authorize a variance to the requirements of this Section only if the Council finds evidence that all the following facts and conditions exist:
 - a. That there are exceptional, unique, or extraordinary circumstances or conditions as to the property that do not apply generally to other properties in the City.
 - b. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the City. The possibility of increased financial return shall not be in itself deemed sufficient to warrant a variance.
 - c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Section or the public interest.
 - d. That the condition or situation of the specific piece of property or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.
 - e. That the variance observes the spirit and intent of this Section, produces substantial justice, and is not contrary to public interest.
3. In granting any variance, the Council may impose conditions to insure compliance and to protect adjacent properties.
4. Whether the Council grants or denies the variance request, it shall issue a written order deciding the matter and shall serve a copy of the order upon the applicant by regular first class mail. If the application was submitted together with an application for a conditional use permit, the variance shall also be included in the terms and conditions of the conditional use permit.
5. No variance to this Section shall be granted unless the applicant has been approved for a conditional use permit for the operation of a manufactured home park.

Effective Date: 06-01-1990

SECTION 5

MINNESOTA UNIFORM FIRE CODE

SECTION:

- 4-5-1: Adoption
- 4-5-2: Storage of Flammable and Explosive Materials
- 4-5-3: Fire Lanes
- 4-5-4: Approved Key Boxes

4-5-1: ADOPTION OF THE MINNESOTA STATE FIRE CODE. For the purpose of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings in the City of St. Francis, the Minnesota State Fire Code, as adopted pursuant to Minnesota Statutes, Section 299F.011, and as modified by Minnesota Rules, Chapter 7511 is adopted and incorporated by reference as the Fire Code for the City. Every provision contained in the Fire Code including appendices, except as modified or amended by this article, is adopted and made a part of this article as if fully set forth. One copy of said code shall be marked "City of St. Francis – Official Copy" and kept on file in the Office of the City Clerk/Treasurer and open to inspection and use to the public. (Ord 151, SS, 2-6-2011)

4-5-2: STORAGE OF FLAMMABLE AND EXPLOSIVE MATERIALS. No bulk plants for storage of flammable or combustible liquids, or bulk storage of liquefied petroleum gas, not established on the effective date of this Section, shall be permitted. No storage of explosives or blasting agents shall be permitted.

4-5-3: FIRE LANES. The Fire Chief or his/her designee shall recommend to the City Council the placement of fire lanes on public or private property. Fire lane signs shall be required to be posted and maintained upon resolution of the Council. Written notice shall be given to the owner of private property upon which a fire lane is proposed to be established ten (10) days prior to the Council meeting addressing the issue. (The property owner shall, upon order of the Council, be required to post and maintain fire lane signs on their property.) (Ord 52, SS, 4-20-1998)

4-5-4: APPROVED KEY BOXES. The St. Francis Fire Department requires that an approved key box be installed on the exterior of all buildings that have a fire alarm system and/or fire sprinkler system, where access to or within a building is difficult because of secured openings, where immediate access is necessary for life safety purposes and fire fighting purposes. The key box shall be of a type approved by the

Fire Marshall and contain keys necessary to gain access. The key box shall be installed in an approved location. The key box locking mechanism shall not exceed six (6) feet above grade. (Ord 65, SS, 11-20-2000)

SECTION 6

RENTAL HOUSING LICENSING

(Ord. 188, Effective 1/18/14)

SECTION:

- 4-6-1: Purpose
- 4-6-2: Application
- 4-6-3: Definitions
- 4-6-4: License
- 4-6-5: Inspection Criteria
- 4-6-6: Responsibilities of Owners and Occupants
- 4-6-7: Maximum Density
- 4-6-8: General Requirements
- 4-6-9: Minimum Standards for Basic Equipment and Facilities
- 4-6-10: Minimum Standards for Light and Ventilation
- 4-6-11: Dwellings Unfit for Human Habitation
- 4-6-12: Ordinance Implementation
- 4-6-13: Penalties and Violations

4-6-1: PURPOSE. It is the purpose of this Ordinance to assure that rental housing in the City of St. Francis is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the City who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from crimes and criminal activity, noise, nuisances or annoyances; free from reasonable fears about safety of persons and security of property; and suitable for raising children.

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 to intrude upon the fair and acceptable relationship between tenant and landlord. The City does not intend to intervene as an advocate of either party, or to act as an arbiter, or to be receptive of complaints from a tenant or landlord which are not specifically and clearly relevant to the provisions of this Ordinance. In the absence of such relevancy, with regard to rental disputes, it is intended that the contracting parties exercise such legal rights as are available to them without the intervention of the City.

4-6-2: APPLICATION. Every non-owner occupied rental dwelling unit and its premises used whole or in part as a home or residence, for a family or person, shall conform to the requirements of this Ordinance irrespective of when such building was

constructed, altered or repaired. This Ordinance establishes minimum standards for erected rental dwelling units, accessory structures and related premises. All dwelling units must also comply with all other applicable standards found in the City Code.

4-6-3: DEFINITIONS.

1. **Approved.** When used in reference to the design and capabilities of physical systems of a dwelling, shall mean having passed the inspection of the Compliance Officer. The basis for passage of such inspection shall be an analysis of the effective state codes and an analysis of the degree to which the systems meet the standards established by such codes. It shall be the objective of the Compliance Officer, unless otherwise specified, to establish minimum qualifications for approval of such system, which qualifications can maintain substantial compliance with the effective state codes and can be achieved in a reasonably economical and practical manner.
2. **Building.** Any structure built for support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.
3. **Compliance Officer.** The City Building Official or other designee of the City Administrator authorized to administer and enforce this article.
4. **Dwelling.** A building or portion thereof, designated exclusively for the residential occupancy, including one-family, two-family, multiple family dwellings, and manufactured houses, but not including hotels, motels, nursing homes, residential care facilities, or assisted living facilities.
5. **Dwelling, Multiple Family.** A building designed with two (2) or more dwelling units exclusively for the occupancy of two (2) or more families living independently of each other, but sharing hallways, main entrances, and exits.
6. **Dwelling Unit.** A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating but not including but not including hotels, motels, nursing homes, residential care facilities, or assisted living facilities.
7. **Family.** An individual or two (2) or more persons related by blood, marriage, adoption, domestic partnership, or foster care or a group of not more than three (3) persons not so related maintaining a common household and using common cooking/kitchen and bathroom facilities.
8. **Garbage.** Animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

9. 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 electric outlets and required exit facilities), pantries, utility rooms of less than fifty (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.
10. Heated Water. Water heated to a temperature of not less than one hundred twenty (120) degrees Fahrenheit, or such lesser temperature required by government authority, measured at the faucet outlet.
11. 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.
12. Lease. An agreement to rent. For use as a verb, see Rent.
13. Occupant. Any person sleeping, cooking and eating in a dwelling unit.
14. 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.
15. Owner. Any person 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 within the city as title holder, as employee or agent of the title holder, or as trustee or guardian of the estate or person of the title holder. Any such person representing the actual title holder shall be bound to comply with the provisions of this article to the same extent as the title holder.
16. Permissible Occupancy. The maximum number of persons permitted to reside in a dwelling unit.
17. 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.
18. Premises. A platted lot or part thereof or unplatted parcel of land occupied by any dwelling or non-dwelling structure, including any such building, accessory structure or other structure thereon.
19. Refuse. All organic and non-organic waste, including garbage and rubbish.

20. Rent. Consideration paid for the use of premises, including, but not necessarily limited to, money, services and property. As a verb, the term "rent" means to get or give the use of premises in return for such consideration or any combination thereof. The term "rent" does not include arrangements whereby a relative, as defined in Minnesota Statutes 273.124, subd. 1 (c), occupies a dwelling for no consideration or for consideration that includes no more than maintenance of the dwelling or premises, and which arrangement is detailed and sworn to in affidavits filed by each adult occupant of the dwelling and each person who is an owner of the dwelling.
21. Rental Dwelling. A non-owner occupied building or portion thereof let for rent or lease, designed or used predominantly for residential occupancy of a continued nature, including single-family dwellings, attached or detached, and multiple family dwellings, but not including hotels, motels, nursing homes, residential care facilities, or assisted living facilities.
22. Rental Dwelling Unit. A non-owner occupied single residential accommodation let for rent or lease 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 a part of the building in which the dwelling is located.
23. Repair. To restore to a sound and acceptable state of operation, serviceability or appearance.
24. Rodent Harborage. Any place where rodents can live, nest or seek shelter.
25. Rubbish. 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.
26. Supplied. Paid for, furnished by, provided by or under the control of the owner, operator or agent of a dwelling. Whenever the terms "dwelling," "dwelling unit," "premises," and "structure" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."
27. Toilet. A toilet, with a bowl and trap made in one piece, which is connected to the city water and sewer system or other approved water supply and sewer supply.

4-6-4: LICENSE.

- A. License Required. No person, firm or corporation shall operate a rental dwelling unit without first having obtained a license to do so from the City as provided for

in this Ordinance. Each license shall be good for two (2) years and expire on January 31st on the second year after issuance, except as otherwise described in Section 4-6-12 regarding the process for the first renewal. License renewals for the following years shall be filed on or before January 15th prior to the license expiration date.

B. Application. Applications for rental licenses shall be made in writing to the City by the owner of the rental dwelling unit(s) or his/her designated agent. The applicant shall supply:

1. The name, address and telephone number of the dwelling owner, the owning partners if a partnership and/or that of the corporate officers if a corporation.
2. The name, address and telephone number of the designated resident agent, if any.
3. The name, address and telephone number of the management representative.
4. The name, address and telephone number of the vendee, if the dwelling is being sold through a contract for deed.
5. The legal address of the dwelling.
6. The type of dwelling.
7. The type and number of dwelling units within the dwelling.
8. Number of occupants.
9. A description of the procedure through which tenant inquiries and complaints are to be processed.
10. An acknowledgement that the owner or designated agent has received a copy of this Ordinance.
11. Certification of Taxes and Utilities Paid: Prior to approving an application for a rental housing license, the property owner shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the rental housing license application relates.

C. Fees.

1. License fees for renewal of licenses under this Ordinance shall be due on January 15th immediately prior to the license expiration date. In cases of new unlicensed dwellings, license fees shall be due upon issuance of the certificate of occupancy. In cases of licensing for periods of less than one (1) year, license fees shall be prorated monthly.
 2. The amount of license fees shall be as set forth in the City's official fee schedule. The licensee shall not be entitled to a refund of any license fee upon revocation or suspension of the license. However, the licensee shall be entitled to a refund of any license fee, prorated monthly, upon proof of transfer of legal control or ownership.
- D. **Inspection Required.** No license shall be issued or renewed under this Ordinance unless the rental dwelling and its premises conform to the ordinances of the City and the laws of the State. The City may require an inspection of such dwelling and premises to make that determination. Failure to schedule or allow such inspection is a violation of this Ordinance.
- E. **Posting of License.** Every licensee of a rental dwelling shall cause to be conspicuously posted in the main entryway or other conspicuous location therein the current license of the respective rental dwelling for all multiple family buildings.

4-6-5: INSPECTION CRITERIA. The City may inspect any rental unit if it falls within one or more of the following criteria:

- A. Such a unit has been abandoned by the owner or the owner of such unit cannot be found.
- B. The rental dwelling unit license has been suspended, revoked or denied.
- C. Water, gas, or electric service to such unit has been discontinued as a result of nonpayment.
- D. The unit is on a parcel of land which is on the list of delinquent taxes filed by the County Auditor with the court administrator of the district court pursuant to Minnesota Statutes Section 279.05.
- E. The City has probable cause to believe that there exist within such unit one or more violations of the requirements of this ordinance.
- F. The unit of property within which the unit is located has, within the preceding six (6) months, renewed a license after suspension or revocation.

- G. The unit is the subject of a pending notice of the City's intent to suspend or revoke the rental license.
 - 1. The Compliance Officer is hereby authorized, in conformity with this Ordinance, to inspect all rental dwelling units to enforce this section and all applicable safety codes.
 - 2. The Compliance Officer is authorized to inspect all rental dwelling units in dwellings, whether having a rental license hereunder or not. The inspection may include the building or structure containing the rental dwelling unit, the land upon which it is located and accessory uses or structures related to the rental dwelling unit. All inspections authorized by this section shall be limited to those which are done for the purpose of seeking compliance with the applicable safety codes, and shall take place only at reasonable hours or as may otherwise be agreed upon by the owner and the Compliance Officer.
 - 3. The City shall give notice to the owner of any violations of the applicable safety codes which are discovered during any inspection.

4-6-6: RESPONSIBILITIES OF OWNERS OR OCCUPANTS. No owner or other person shall occupy or let another person occupy any rental dwelling unit, unless the premises are clean, sanitary, fit for human occupancy and complies with all applicable legal requirements of the State and the City, including the following requirements:

- A. License. The owner of a rental dwelling unit shall obtain and license and shall pass the required inspection prior to any occupancy of the rental dwelling unit.
- B. Maintenance.
 - 1. Shared or Public Areas. Every owner of a rental dwelling unit shall maintain in a clean, sanitary and safe condition, the shared or public areas of the building and premises thereof.
 - 2. Occupied Areas. All occupants of a rental dwelling unit shall maintain in a clean, sanitary and safe condition that part or those parts of the building and premises thereof that she/he occupies and controls.
- C. Storage and Disposal of Garbage and Rubbish.
 - 1. All occupants of a rental dwelling unit shall store and dispose of all their rubbish in a clean, sanitary and safe manner.

2. All occupants of a rental dwelling unit shall store and dispose of all their garbage and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary and safe manner.
3. Every owner of a rental dwelling unit shall supply facilities of adequate size for the sanitary and safe storage and disposal of rubbish and garbage.
4. Every owner of a rental dwelling unit shall supply facilities of adequate size for the sanitary and safe storage and collection of recyclables.

D. Pest Control.

1. Pest Extermination. Every owner of a rental 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 or an occupant of a nonresidential building containing more than one unit shall be responsible for the extermination whenever his unit is the only one infested. Notwithstanding, however, whenever infestations caused by the failure of the owner to maintain a building in a reasonable rodent-proof or reasonable vermin-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the units in any building, extermination thereof shall be the responsibility of the owner. Whenever extermination is the responsibility of the owner, the extermination must be performed by a licensed pest control contractor.
2. Rodents.
 - a. No occupant of a rental dwelling unit shall accumulate boxes, lumber, scrap metal, or any similar materials in such a manner that may provide a rodent harborage in or about any dwelling unit or building. Stored materials shall be stacked neatly.
 - b. No owner of a rental dwelling unit 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 building or its premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked neatly.
 - c. No owner or occupant of a rental dwelling unit shall store, place or allow to accumulate, any materials that may serve as food for rodents in a site accessible to rodents.

- E. Sanitary Maintenance of Fixtures and Facilities. Every occupant of a rental 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.
- F. Minimum Heating Capability and Maintenance. In every rental dwelling unit, when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-eight (68) degrees Fahrenheit, or such lesser temperature required by government authority, shall be maintained at a distance of three (3) feet above the floor and three (3) feet from exterior walls in all habitable rooms, bathrooms and water closet compartments from September through May.
- G. Minimum Exterior Lighting. The owner of a multiple family rental building shall be responsible for providing and maintaining effective illumination in all exterior parking lots and walkways.
- H. Driveways and Parking Areas. The owner of a rental building shall be responsible for providing and maintaining in good condition paved and delineated parking areas and driveways for tenants.
- I. Yards. The owner of the building shall be responsible for providing and maintaining the yards of premises consistent with all applicable provisions in the City Code.
- J. Exterior Storage. Owners and occupants of rental dwelling units shall comply with the City's exterior storage requirements as regulated by Section 10-16 of the Zoning Ordinance.
- K. Public Nuisances. Owners and occupants of rental dwelling units shall comply with the City's public nuisance ordinance as provided for in Chapter 8 of the City Code.
- L. The property owner shall be responsible for payment of all property taxes, City utility fees, special assessments, and interest. Delinquent utility accounts shall be subject to Chapter 3 of the City Code.

4-6-7: MAXIMUM DENSITY. No person shall occupy nor permit or let to be occupied any rental dwelling unit for the purpose of living therein, which does not comply with the following requirements. The maximum permissible occupancy of any dwelling unit shall be determined as follows:

- A. For the first occupant, one hundred fifty (150) square feet of habitable room floor space and for every additional occupant thereof, at least one hundred (100) square feet of habitable room floor space.

- B. In no event shall the total number of occupants exceed two (2) times the number of habitable rooms, less kitchen, in the dwelling unit.

4-6-8: GENERAL REQUIREMENTS. No person shall occupy, as owner/occupant, or let to another occupy, any rental building or rental dwelling unit which does not comply with the following requirements, unless specifically exempt:

- A. **Minimum Ceiling Height.** In order to qualify as habitable, rooms shall have a clear ceiling height of not less than seven (7) feet; except, that in attics or top half stories used for sleeping, study, or similar activities, the ceiling height shall be not less than seven (7) feet over at least one-half (1/2) of the floor area. In calculating the floor area of such rooms in attics or top half stories, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.
- B. **Access through Sleeping Rooms and Bathrooms.** No dwelling unit containing two (2) 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. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement or cellar of any dwelling unit.
- C. **Foundations, Exterior Walls and Roofs.** The foundation, exterior walls, and exterior roof shall be substantially watertight 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 boards or timbers, and any other condition which might admit rain or dampness to the interior portion of the walls or to the interior spaces of the building. The roof shall be tight and have no defects which admit rain, and roof drainage shall be adequate to prevent rainwater 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 the exterior surface is unpainted or determined by the compliance officer to be paint blistered, the surface shall be painted. If the exterior surface of the pointing of any brick, block or stone wall is loose or has fallen out, the surface shall be repaired.
- D. **Windows, Doors And Screens.** Every window, exterior door, and other exterior openings shall be substantially tight and shall be kept in sound condition and repair. 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 openable window

shall be supplied with mesh screens, and shall be equipped with an approved lock if located less than six (6) feet above adjacent grade.

- E. 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. The floor of every toilet room, bathroom, and kitchen shall have a smooth, hard, nonabsorbent surface and shall be capable of being easily maintained in a clean and sanitary condition.
- F. Rodent proof. Every structure and the premises upon which it is 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 one-half inch (1/2") 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.
- G. Fences. All fences 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 material, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives. All fences shall be subject to the provision of Section 10-20 of the St. Francis Zoning Ordinance.
- H. Grading And Drainage. During the period of May through October, every yard, court, passageway, and other portions of the premises on which a building stands shall be graded and drained so as to be free of standing water that constitutes a detriment to health and safety.
- I. Landscaping. Every yard of a premises on which a building 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. Multiple family dwelling sites shall be maintained in accordance with an approved city landscape plan and shall be supplied with an irrigation system.
- J. Screening. In multiple family dwelling sites, all outside trash disposal facilities, recycling containers, and outside or rooftop mechanical equipment shall be screened from view by an opaque fence or wall high enough to completely screen the equipment.

- K. 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 required by the occupancy.
- L. Facilities to Function. Every supplied facility, piece of equipment or 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.
- M. 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, shut off or discontinued from any occupied building or portion thereof, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

4-6-9: MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.

No person shall occupy, as owner/occupant, or let to another occupy, any rental building or rental dwelling unit for the purposes of living, sleeping, cooking and eating therein which do not comply with the following requirements:

A. Kitchen Facilities.

1. Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked and which is connected to an approved sewer system.
2. Every dwelling unit shall have an approved 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.
3. Every dwelling unit shall have 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 and furnished with surfaces that are easily cleaned and that will not impart any toxic or deleterious effect to food.
4. Every dwelling unit shall have a stove or similar device for cooking food, and a refrigerator or similar device for the safe storage of food at or below forty (40) degrees Fahrenheit, which are properly installed with all necessary connections for safe, sanitary and efficient operation. Provided,

that such stove, refrigerator or similar device need not be installed when a dwelling unit is not occupied or when the occupant is expected to provide same upon occupancy, in which case, sufficient space and adequate connections for the installation and operation of said stove, refrigerator or similar device must be provided.

- B. Toilet Facilities. Within every rental dwelling unit there shall be an uninhabitable room which is equipped with an approved toilet in good working condition. Such room shall have an entrance door which affords privacy. Said toilet shall be equipped with easily cleaned surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the toilet to be operated properly, and shall be connected to an approved sewer system.
- C. Lavatory Sink. Within every rental dwelling unit there shall be an approved 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 the 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 running water under pressure, and shall be connected to an approved sewer system.
- D. Bathtub or Shower. Within every rental dwelling unit there shall be an uninhabitable room which is equipped with an approved bathtub or shower in good working condition. Such room shall have an entrance 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.
- E. Stairways, Porches and Balconies. Every stairway inside or outside of a rental dwelling and every porch or balcony shall be kept in safe condition and sound repair. Stairs, handrails and guards shall conform to the current Building Code.
- F. Access to Rental Dwelling Unit. Access to or egress from each rental dwelling unit shall be provided without passing through any other rental dwelling unit.
- G. Door Locks. No owner shall occupy nor let to another for occupancy any rental dwelling or rental dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with safe, functioning locking devices as follows:
 - 1. Building Entrances. For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple family dwellings, 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 doors 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 locked from the inside.

2. Interior Dwelling Unit Entrances. 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 openable from the inside without the use of a key or any special knowledge or effort.

4-6-10: MINIMUM STANDARDS FOR LIGHT AND VENTILATION. No person shall occupy, as owner/occupant, or let to another occupy, any rental building or rental dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- A. Habitable Room Light and Ventilation. Except where there is supplied some other device affording adequate ventilation and approved by the compliance officer, 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 ten (10) percent of the floor area of the room or ten (10) square feet. One-half (1/2) of the required window area shall be openable.
- B. Uninhabitable Room Ventilation. Every bathroom and water closet compartment, and every laundry and utility room shall contain at least fifty (50) percent of the ventilation requirement for habitable rooms contained in Section 4-6-10.A; except, that no windows shall be required if such rooms are equipped with a ventilation system which is approved by the compliance officer.
- C. Electric Service, Outlets and Fixtures. Every rental 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 which shall be connected to a source of electric power in a manner prescribed by the ordinances, rules, and regulations of the City and by the laws of the State. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures shall be as follows:

1. Rental dwellings containing one (1) or two (2) rental dwelling units shall have at least the equivalent of sixty (60) ampere, three-wire electric service per dwelling unit.
 2. Rental dwelling units shall have at least one branch electric circuit for each six hundred (600) square feet of dwelling unit floor area.
 3. Every habitable room shall have at least one floor or wall type electric convenience outlet for each sixty (60) square feet or fraction thereof of total floor area and, in no case, less than two (2) such electric outlets; provided, however, that one ceiling or wall type fixture may be supplied in lieu of one required electric outlet.
 4. Every bathroom, kitchen, laundry room, and furnace room shall contain at least one (1) supplied ceiling or wall type electric light fixture, and every bathroom, kitchen, and laundry room shall contain at least one (1) electric convenience outlet. The electric convenience outlet in the bathroom shall be a GFCI outlet.
 5. Every public corridor and stairway in every rental 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 corridor and stairway in structures containing not more than two (2) 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. A convenient switch or equivalent device for turning on a light in each rental dwelling unit shall be located near the point of entrance to such unit.
- D. Smoke and Carbon Dioxide Protection. Smoke and carbon dioxide alarms shall be provided in conformance with the current Building Code.

4-6-11: DWELLINGS UNFIT FOR HUMAN HABITATION.

- A. Any rental dwelling or rental dwelling unit which is damaged, decayed, dilapidated, unsanitary, unsafe, or 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. Whenever any rental dwelling or rental dwelling unit has been declared unfit for human habitation, the compliance officer shall order the dwelling or dwelling unit vacated within a reasonable amount of time and shall post a placard on the dwelling or dwelling unit indicating that it is unfit for human habitation and any operating license previously issued for such dwelling shall be revoked.

- B. It shall be unlawful for such rental dwelling or rental dwelling unit to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the compliance officer. It shall be unlawful for any person to deface or remove the declaration placard from any such rental dwelling or rental dwelling unit.
- C. The owner of any rental dwelling or rental dwelling unit which has been declared unfit for human habitation, or which is otherwise vacant for a period of sixty (60) days or more, shall make the dwelling or dwelling unit 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.
- D. If a rental dwelling unit 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 consistent with the provisions of State Statutes.

4-6-12: ORDINANCE IMPLEMENTATION. All rental housing shall file for the first license by January 15, 2014. All even numbered addresses shall file for the first renewal by January 15, 2016. All odd numbered addresses shall file for the first renewal by January 15, 2017. After first renewals, the procedure shall follow as described in Section 4-6-4.

4-6-13: PENALTIES AND VIOLATIONS. Any person who violates any provision of this Section shall be guilty of a misdemeanor. Every license issued under the provisions of this Section is subject to suspension or revocation by the City should the licensed owner or the owner's duly authorized agent fail to operate or maintain a licensed dwelling or unit therein consistent with the provisions of the ordinances of the City and the Laws of the State. The City shall appoint a person responsible for administration of this section who shall have the authority to investigate licensees and to suspend or revoke licenses. Revocations and suspensions may be appealed to the City Council within thirty (30) days of notice.

SECTION 7

VACANT BUILDING REGISTRATION

(Ord. 194, Adopted 4/7/14, Effective 5/11/14)

SECTION:

- 4-7-1: Purpose and Findings
- 4-7-2: Definitions
- 4-7-3: Vacant Building Registration
- 4-7-4: Maintenance of Vacant Buildings
- 4-7-5: Inspection of Vacant Buildings
- 4-7-6: Penalties

4-7-1: PURPOSE AND FINDINGS. The City of St. Francis is enacting this section to protect the public health, safety and welfare by establishing a program for the identification and regulation of vacant buildings. The City finds that vacant buildings are a major cause and source of blight in residential and non-residential neighborhoods. Neglect of vacant buildings, as well as use of vacant buildings by transients and criminals creates a risk of fire, explosion or flooding for the vacant building and adjacent properties. There is a substantial cost to the City for monitoring vacant buildings. This cost should not be borne by the general taxpayers of the community; but, rather, these costs should be borne by owners of the buildings.

4-7-2: DEFINITIONS. For the purposes of this Section, the terms defined in this subsection have the meanings given them and shall apply in the interpretation and enforcement of this article.

- A. “Abandoned property” means property not lawfully occupied that the owner has surrendered, voluntarily relinquished, disclaimed, or ceded all right, title, claim, and possession, with the intention of not reclaiming it.
- B. “Building” is any roofed structure used or intended for supporting or sheltering any use or occupancy. Building, for purposes of this Chapter, shall include a portion of a building that is separately titled such as a condominium or townhouse unit that is part of a larger building structure.
- C. “Compliance official” means the City Administrator and the City Administrator’s designated agents authorized to administer and enforce this section.
- D. “Owner” or “property owner” is the owner of record of a property on which a building is located according to County property tax records, those identified as owner or owners on a vacant building registration form, a holder of recorded or an unrecorded contract for deed, a mortgagee or vendee in possession, a

mortgagor or vendor in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee, or other person, firm or corporation in control of the freehold of the premises or lesser estate therein. Owner also means any person, partnership, association, corporation or fiduciary having a legal or equitable title or any interest in the property or building. This includes any partner, officer or director of any partnership, corporation, association or other legally constituted business entity. All owners shall have joint and several obligations for compliance with the provisions of this section.

- E. “Responsible party” is an owner, entity or person acting as an agent for the owner who has direct or indirect control or authority over the building or real property, upon which the building is located, or any other person or entity having a legal or equitable interest in the property. Responsible party may include but is not limited to a realtor, service provider, mortgagor, leasing agent, management company, or similar person or entity.
- F. “Unoccupied building” is a building which is not being used for legal occupancy as defined in the St. Francis City Code.
- G. “Vacant building” means a building, other than a building under construction pursuant to a valid building permit that is unoccupied for sixty (60) consecutive days.

4-7-3: VACANT BUILDING REGISTRATION.

- A. Application. The owner or responsible party shall register a vacant building with the City no later than sixty (60) days after the building becomes vacant. The registration shall be submitted on a form provided by the City and shall include the following information supplied by the owner or responsible party.
 - 1. The name, address, telephone number and email address, if applicable, of each owner and each owner's representative.
 - 2. The names, addresses, telephone numbers and email addresses, if applicable, of all known lien holders and all other persons or entities with any legal interest in the building.
 - 3. The name, address, telephone number and email address, if applicable, of a local agent or person responsible for managing or maintaining the property.
 - 4. Property identification number and street address of the premises on which the building is situated.

5. The date the building became vacant, the period of time the building is expected to remain vacant, and a written property plan and timetable as described in Section 4-7-3.D for returning the building to lawful occupancy or use, or for demolition of the building.
 6. The status of water, sewer, natural gas and electric utilities.
- B. Notification. The owner shall notify the compliance official within thirty (30) days of changes in any of the information supplied as part of the vacant building registration.
- C. Administrative Registration. If the compliance official determines that a building has been vacant for at least sixty (60) days and has not been registered by its owner or responsible parties, the compliance official may administratively register the building and attempt to notify the owner of that registration based on such information as is reasonably available to the compliance official. Properties registered administratively will be charged a registration fee and an administrative fee as established in the City's fee schedule.
- D. Property Plan. The property plan identified above in Section 4-7-3.A.5 shall meet the following requirements:
1. General Provisions. The plan shall comply with all applicable regulations as determined by the building official. It shall contain a timetable regarding use or demolition of the buildings on the property. All actions necessary for compliance with this section shall be completed within thirty (30) days after the building is registered.
 2. Maintenance of Building. The plan shall identify the means and timetable for addressing all maintenance and nuisance-related items identified in the application or arising since application, or as identified by the building official including correcting all conditions to be in compliance with Section 4-7-4 of this Code. Any repairs, improvements or alterations to the property shall comply with State Building Code provisions and applicable City regulations.
 3. Plan Changes. If the property plan or timetable for the vacant building is revised in any way for any purpose, the revisions shall be submitted to the City in writing and meet the approval of the compliance official.
 4. Demolition. Vacant buildings that are hazardous or substandard may be demolished pursuant to Minn. Stats. §§ 463.15 through 463.261. As part of a property plan, the owner may request or consent to demolition of a structure and the City may commence abatement and cost recovery proceedings for the abatement in accordance with Section 8-2-2 of the City Code and Minn. Stats. § 429.101.

- E. Fees. The owner of vacant buildings or responsible parties shall pay a fee at the time of registration. In subsequent years, fees shall be due on the anniversary date of the original registration. The fees must be paid in full prior to the issuance of any building permits. The registration fee will be in an amount set forth in the City's fee schedule. The amount of the registration fee shall be reasonably related to the City's costs incurred in the administration and enforcement of the vacant buildings registration and monitoring program described in this article.
- F. Assessment. If the registration fee or any portion is not timely paid, the City Council may certify the unpaid fees against the property in accordance with Minn. Stats. § 429.101.

4-7-4: MAINTENANCE OF VACANT BUILDINGS. The owner or responsible party shall comply with all City ordinances and additionally ensure the property is maintained to the following standards:

- A. Appearance. All vacant buildings shall be maintained as required in Chapter 8 of the City Code. All vacant buildings shall be maintained and kept as to appear to be occupied.
- B. Security. All vacant buildings shall be secured from unauthorized entry. Security shall be ensured by normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows shall remain locked. There shall be at least one operable door into every building and into each room within the building. Exterior doors, walls, windows, and roofs shall be without holes or significant structural defects.
- C. Temporary Securing. Untreated plywood or similar structural panels or temporary construction fencing may be used to secure windows, doors, and other openings for a maximum period of thirty (30) days.
- D. Emergency Securing. The compliance official may take immediate steps to secure a vacant building at his or her discretion in emergency circumstances with such costs for securing at the expense of the property owner plus any administrative fees as set forth in the City's fee schedule.
- E. Fire Safety.
 - 1. Owners of non-residential vacant buildings shall maintain all fire protection systems, appliances, and assemblies in operating condition.
 - 2. The owner of any vacant building shall remove all hazardous material and hazardous refuse that could constitute a fire hazard or contribute to the spread of fire.

- F. Plumbing Fixtures. Plumbing fixtures and pipes shall be maintained in sound condition and good repair. The water system shall be protected from freezing.
- G. Electrical. Electrical service lines, wiring, outlets, or fixtures shall be maintained in good condition or repaired.
- H. Heating. Heating systems shall be maintained in good condition or repaired.
- I. Discontinuance of Utilities. Utilities may be discontinued in a vacant building but the plumbing, electrical, and heating systems and fixtures shall be maintained or repaired as to be capable of competent operation when utility services are restored.
- J. Termination of Utilities. The Compliance Official may order the termination of water, sewer, electricity, or gas service to the vacant building. Prior to the termination of any utility service, written notice must be given to the owner. The Compliance Official may authorize immediate termination of utilities in emergency circumstances. No utility terminated by order or action of the Compliance Official may be restored without consent of the Compliance Official.
- K. Exterior Maintenance. The owner must comply with all applicable property maintenance regulations and City Codes including but not limited to the maintenance of vegetation as required by Section 8-2-3 and ice and snow removal as required by Section 7-2-1.

4-7-5: INSPECTION OF VACANT BUILDINGS.

- A. Inspection. Registration of a vacant building shall constitute consent by the owner or responsible party to the City to go upon the property for inspection purposes. The compliance official may inspect any vacant building in the City for the purpose of enforcing and assuring compliance with this article and other applicable regulations. Upon the request of the compliance official, an owner or responsible party shall provide access to all interior portions of the building(s) and the exterior of the property in order to complete an inspection. If the owner or responsible party is not available, is unresponsive, or refuses to provide access to the interior of the building, the City may use any legal means to gain entrance to the building for inspection purposes.
- B. Notice of Violation. All violations found by the compliance official during the inspection in Section 4-7-4.A shall be corrected by the owner within the period of time established by the compliance official in the notice of violation. The period to correct the violations shall follow the procedure established in Section 2-11-3 of the City Code.

- C. Re-occupancy Inspection. Prior to any re-occupancy or reuse, the owner or responsible party shall request an inspection of the vacant building by the compliance official to determine the building is fit for human occupation consistent with the Minnesota State Building Code. All applicable building permit fees as needed shall be paid prior to building occupancy.

4-7-6: PENALTIES. Any person or responsible party who violates the provisions of this Chapter is subject to penalty as provided under Section 2-1-2 of this Code. Nothing in this section, however, is deemed to impair other remedies available to the City under this Code or state law including, but not limited to, Minn. Stats. §§ 463.15 through 463.261 and City Code Section 2-11.