

CHAPTER 213. IN GENERAL

213.10. X-ray or fluoroscopic devices in shoe sales. (a) *Declared dangerous to public health.* It is the considered judgment of the city council that the use of X-ray and fluoroscopic devices by untrained persons is dangerous to the public health and welfare.

- (b) *Definition.* As used herein, the term "X-ray machine" shall mean any machine or device used or kept in any store for the purpose of obtaining a fluoroscopic view, X-ray, or shadow of the human foot or feet, whether in the shoe or not, and kept and used for the purpose of fitting shoes and promoting sales.
- (c) *Use prohibited.* No person shall operate, maintain or use any X-ray machine as defined herein for the purpose of fitting shoes or promoting the sale thereof. (Code 1960, As Amend., § 756.030)

213.20. Sanitation of hotels, restaurants, bakeries, confectioneries. Every hotel, restaurant, bakery and confectionery establishment in the city shall be kept clean and free from effluvia arising from any sewer, drain or privy; and shall be properly ventilated and provided with privies for the separate use of male and female employees. Whenever the labor performed shall be such as to require a change of clothing, separate dressing rooms shall be provided for the sexes. Partitions dividing privies or dressing rooms shall reach to the ceiling of the room. Every bakery, restaurant, hotel and confectionery establishment in the city shall be of good workmanship, well drained and constructed according to sanitary principles. Every room used for the manufacture, storage or sale of food products shall be light, dry and airy; its walls and floors shall be so constructed as to exclude rats and other vermin, and shall be at all times free from moisture and kept in good repair. Its floors shall have a smooth surface constructed of wood, cement or tiles laid in cement, save that when the floor is more than four (4) feet below the level of the street or adjacent ground it shall never be constructed of wood. Its walls and ceilings shall be whitewashed at least once in three (3) months, and the floors, furniture and cooking utensils in such rooms and of every room used for the preparation, manufacture, storage or sale of such food products shall be so arranged as to be kept easily clean and in a sanitary condition. No water closet, earth closet, privy, ash pit or sleeping room shall communicate directly with any bake room, kitchen or storage room of any hotel, bakery, public restaurant or confectionery establishment. (Code 1960, As Amend., § 786.010)

Cross references: Specific provisions relative to food establishments and maintenance thereof, Ch. 188; hotels, Ch. 297.

213.30. Spitting; depositing tobacco. No person shall spit or expectorate or deposit or place any sputum, spittle, saliva, phlegm, mucus, tobacco juice, cigarette stumps, cigar stumps or quids of tobacco upon the floor, walls or stairway or any part of any public hall or building, depot, market, theater, church

or place of public amusement; or upon, into or through any grating, area or stairway; or upon any sidewalk of any public street; or upon the floor, furnishings or equipment of any motor bus while it is in use upon the streets of the city. (Code 1960, As Amend., § 787.010)

213.40. Merchandise for oral use to have protective covering. No person shall display, offer for sale or sell any piece of merchandise which is operated, or designed to be operated, by being placed to, against or in the mouth or upon or between the lips of any person, unless such merchandise is protected by a covering so constructed as to prevent such piece of merchandise from coming in direct contact with the mouth or upon or between the lips of any person. After the sale of said article of merchandise, the covering may be removed. (Code 1960, As Amend., § 788.010)

213.50. Protection of water. No person shall put or allow to pass into any source of drinking water or into any hydrant, well, font or water pipe used for the conveyance of drinking water, any dirty, poisonous or noxious substance or any animal or vegetable matter, nor shall any person do, or permit to be done, any act or thing which will impair or imperil the purity or wholesomeness of any water or other fluid used or designed to be used as a drink. (Code 1960, As Amend., § 790.010)

Cross references: Control and protection of water supply, Ch. 509, Art. IX.

State law references: Unlawful deposits in public waters, M.S. § 609.68.

213.60. Protection of ice. No person shall bring, store, sell, deliver or distribute or cause to be brought, stored, sold, delivered or distributed, within the limits of the city, any ice for domestic or household use or purposes which shall have been formed or produced by the freezing of unwholesome, impure or contaminated water, or water, the use of which would be deleterious to health. No person shall cut, harvest, or in any way obtain any ice intended for domestic or household use or purposes within the city, in or from any river, stream, lake or other body of water, the waters of which are unwholesome, impure or contaminated, or the use of which would be deleterious to health. (Code 1960, As Amend., § 790.020)

Cross references: Sale and manufacture of ice, Ch. 299.

213.70. Permit required to cut ice. No person shall cut, harvest, or in any way obtain any ice intended for domestic or household use or for cooling purposes within the limits of the city without first having obtained a permit so to do from the city council. (Code 1960, As Amend., § 790.030)

CHAPTER 214. DEPARTMENT OF HEALTH AND FAMILY SUPPORT

214.10. Department established. The Minneapolis Department of Health shall henceforth be named the Minneapolis Department of Health and Family Support. The department head shall be the commissioner of health who is appointed pursuant to Charter Chapter 3, Section 4. This department shall have duties and authority as assigned to it by this title and Chapter 14 of the Charter as well as other duties and responsibilities as assigned to it by the city council. (93-Or-001, § 1, 1-15-93)

214.20. Authority. This chapter is adopted pursuant to Minnesota Statutes 1990, Chapter 145A.04, Subdivision 3(a). (93-Or-001, § 1, 1-15-93)

214.30. Additional functions. The city council may assign additional duties and personnel to the department for family support and planning as needed. (93-Or-001, § 1, 1-15-93)

214.40. Department organization. The commissioner of health may modify the management structure of the department, including modification of the duties, position descriptions or titles of any of the seven (7) bureau directors authorized by Charter Chapter 14, Section 8 in order to more effectively carry out the duties assigned to the department by this title and the city council. (98-Or-145, § 1, 12-4-98; 2008-Or-058, § 1, 8-8-08)

CHAPTER 231. PUBLIC SWIMMING POOL CODE*

***Editor's note:** Ord. No. 2003-Or-067, § 1, adopted June 20, 2003, repealed former Ch. 231, §§ 231.10--231.500, which pertained to public swimming pools. Ord. No. 2003-Or-068, § 1, adopted June 20, 2003, adopted provisions designated as a new Ch. 231 to read as herein set out in §§ 231.10--231.160. See the Code Comparative Table.

Cross references: Swimming pool construction, Ch. 111; water, Ch. 509.

231.10. Title. This title shall be known and cited as the public swimming pool code. (2003-Or-068, § 1, 6-20-03)

231.20. Authority. This chapter is adopted pursuant to Minneapolis City Charter, Chapter 4, Section 5. (2003-Or-068, § 1, 6-20-03)

231.30. State rules incorporated. Minnesota Rules, Chapter 4717, parts 4717.0100 through 4717.0400, parts 4717.0500 through 4717.1700, parts 4717.1800 through 4717.3600, parts 4717.3675 through 4717.3965, and amendments thereto, are hereby adopted by reference and are incorporated in this title as fully as if set forth herein. (2003-Or-068, § 1, 6-20-03)

231.40. More restrictive standards to apply. Where the conditions imposed by any provision of the public swimming pool code are either more restrictive or less restrictive than comparable conditions imposed by the Minnesota Rules, Chapter 4717, or any other law, statute, rule, resolution, ordinance, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern. (2003-Or-068, § 1, 6-20-03)

231.50. "Commissioner" defined. Wherever the term "commissioner" is used in the Minnesota Rules, it shall be held to mean the environmental health division of the city department of regulatory services. (2003-Or-068, § 1, 6-20-03)

231.60. Enforcement. The department of operations and regulatory services shall enforce the provisions of this chapter. The director of operations and regulatory services, or designee thereof, after proper identification, shall at all reasonable times have the right to enter into and upon premises to inspect and sample the water in public pools for compliance with this chapter. (2003-Or-068, § 1, 6-20-03)

231.70. Pool water condition. (a) The water temperature in a pool must not be more than one hundred four (104) degrees Fahrenheit.

(b) Each pool must have the following testing equipment:

- (1) A DPD (Diethyl-P-Phenylene Diamine) test kit to measure the concentration of disinfectant in water, accurate within 0.1 parts per million.
- (2) A phenol red pH testing kit accurate to the nearest 0.2 pH unit.
- (3) A test kit to measure alkalinity using the methyl orange or equivalent method.
- (4) Where cyanuric acid is used, a test kit to test cyanuric acid concentration.

(c) When in use, a pool must be continuously disinfected with a chemical that imparts an easily measured, free available residual.

- (1) When chlorine is used, a free chlorine residual of at least 2.0 parts per million must be maintained throughout the pool.
- (2) When bromine is used, a bromine residual of at least 4.0 parts per million must be maintained throughout the pool.
- (3) The minimum free residual for chlorine must be 2.0 parts per million and 4.0 parts per million for bromine when any of the following conditions exist:
 - a. Cyanuric acid exceeds thirty (30) parts per million;
 - b. The pH exceeds 7.7;
 - c. The water temperature exceeds eighty-four (84) degrees Fahrenheit; or

- (4) The disinfectant concentration in an operating pool must not exceed ten (10) parts per million for chlorine and fifteen (15) parts per million for bromine.
 - (5) If other halogens are used, residuals of equivalent disinfectant strength must be maintained.
 - (6) If the concentration of combined chlorine residual exceeds 0.5 parts per million, the pool must be superchlorinated or treated to reduce the concentration of the combined chlorine residual to not exceed 0.5 parts per million.
 - (7) Where a cyanuric acid compound is used to stabilize chlorine, the concentration of cyanuric acid in the pool must not exceed sixty (60) parts per million.
- (d) The disinfectant residual in a wading pool and a spa pool must be at least 3.0 parts per million for free chlorine and 6.0 parts per million for bromine throughout the pool when in use.
 - (e) Water in the pool must be maintained with a pH of not less than 7.2 and not more than 7.8.
 - (f) The alkalinity of the water in the pool must be at least fifty (50) parts per million.
 - (g) Whenever the pool is open for use, the pool water must be clear enough so the bottom drain is easily visible.
 - (h) Chemicals used to control water quality must not impart toxic properties to the water. All containers used for chemicals must be kept in a secure location, inaccessible to pool users, and properly labeled and stored according to the manufacturer's instructions.
 - (i) When bacteriological sampling is done, no sample collected may:
 - (1) Exceed two hundred (200) bacteria per milliliter as determined by the heterotrophic plate count; or
 - (2) Indicate the presence of total coliform organisms in a one hundred (100) milliliter sample by any of the following methods:
 - a. Multiple tube;
 - b. Membrane filter; or
 - c. The Minimal Medium ONPG-MUG test described in Code of Federal Regulations, title 40, part 141.
 - (3) All samples must be collected, dechlorinated, and examined according to the American Public Health Association's "Standard Methods for the Examination of Water and Wastewater."
 - (4) Where sampling indicates that the standards in 231.50(i)(1) or (2) are exceeded, the pool must be treated to effectively reduce biological concentration to a complying level. (2003-Or-068, § 1, 6-20-03)

231.80. Toilets, lavatories, showers, and dressing rooms. (a) Toilets,

showers, and dressing rooms may be in a nearby toiletroom, locker room, or, if conveniently available, within the living units of an apartment building, hotel, or similar occupancy.

- (b) Toilet, shower, lavatory, and locker and other ancillary facilities must be maintained in a sanitary condition to preclude the possibility of spreading pathogens to the pool.
- (c) When toilet facilities are accessible to pool patrons in the pool area, each toilet facility must include showers that permit nude showering within each toilet facility.
- (d) At least one (1) shower must be provided which is conveniently located to permit a shower before entering any pool when sauna or exercise facilities are provided.
- (e) Toilet, handwashing, and shower facilities must be provided according to the following schedule.

TABLE INSET:

	First 300 Males	First 300 Females	Additional males over 300	Additional females over 300
Water closets	1/100	1/50	1/200	1/100
Urinals	1/100	--	1/200	--
Lavatories	1/100	1/100	1/200	1/200
Showers	1/50	1/50	1/50	1/50

- (f) Additional sanitation fixtures must be provided for pool facilities with extensive deck areas or facilities that provide other functions in accordance with the sanitation fixture requirements in the state building code.
- (g) Showers must be supplied with water at a temperature of at least ninety (90) degrees Fahrenheit at a rate of at least 2.0 gallons per minute. Thermostatic, tempering, or mixing valves must be installed if necessary to prevent water temperatures in excess of one hundred thirty (130) degrees.
- (h) Pool users leaving the dressing room must pass the showers last in route to the pool.
- (i) The floor finish between the toilet and shower areas and the pool must be nonslip and nonabsorbent.
- (j) Lighting for toilet, shower, and locker facilities must provide at least ten (10) footcandles illumination measured at floor level.
- (k) On-site showers are not required for freestanding wading pools. (2003-Or-068, § 1, 6-20-03)

231.90. Spa pools. (a) Spa pools must comply with Chapter 231 except as modified in this section.

- (b) The recirculation system must recirculate a water volume equal to the pool volume in thirty (30) minutes or less, except that a minimum rate of thirty-five (35)

- gallons per minute is required.
- (c) The recirculation system must have at least two (2) remote inlets to the pool.
 - (d) The main drain must consist of:
 - (1) A grate-covered bottom opening at least one hundred (100) square inches in size; or
 - (2) A bottom opening with an antivortex cover.
 - (e) The agitation system must have a separate pump. If sidewall suction fittings are used, at least two (2) inlets, remotely located, must be provided.
 - (f) The agitation system must be controlled by a timer with the control switch accessible to pool users but at least five (5) feet from the pool. The maximum time setting must be fifteen (15) minutes.
 - (g) Access to a spa pool must be provided according to this subpart.
 - (1) Access to the pool must be provided by an unobstructed deck, at the pool elevation, which extends at least five (5) feet from the pool around the entire perimeter.
 - (2) Where a deck cannot be provided as specified in 231.90 (g)(1), a five (5) foot wide deck at the pool elevation must extend along at least twenty-five (25) percent of the pool perimeter. The remaining perimeter must be one (1) foot or less to a wall, partition, or other effective barrier to restrict access. The deck must provide complete and unobstructed access to the steps in the pool.
 - (3) Where access is provided by sitting on the edge of a raised pool and swinging the legs into the pool:
 - a. The deck requirement in 231.90(g)(1) and 231.90(g)(2) must be met.
 - b. The pool must be no less than eighteen (18) inches nor more than twenty (20) inches above the deck.
 - c. Steps with equal risers and twelve (12) inch minimum treads must be provided outside the pool which line up with the steps inside the pool.
 - d. The pool edge must not exceed twelve (12) inches in width.
 - (h) The requirements for steps in this subpart apply to spa pools.
 - (1) Steps for access to an elevated spa pool must have a handrail and a finished surface that meets the requirements for decks in Minnesota Rules, Chapter 4717.
 - (2) Steps within manufactured spa pools may vary from the dimensions Minnesota Rules, Chapter 4717 if the Minnesota Commissioner of Health determines that the design is safe.
 - (i) In addition to the signs required by Minnesota Rules, Chapter 4717, the following warning signs must be posted and plainly visible in the spa pool area:

- (1) Pregnant women, small children, or persons with heart disease, diabetes, high blood pressure, or low blood pressure should not enter the spa except under advice of a physician.
- (2) Avoid use while under the influence of alcohol or drugs.
- (3) Exposure may result in nausea, dizziness, or fainting. Observe a reasonable time limit. (2003-Or-068, § 1, 6-20-03)

231.100. Pool closure. When any of the following conditions are found, a public pool must be immediately closed to use when so ordered by the director of operations and regulatory services, or designee thereof. The owner of the pool or the owner's agent must place a sign at the entrance to the pool indicating that the pool is closed. The pool must remain closed until the condition is corrected and approval to reopen is granted by the director of operations and regulatory services, or designee thereof. A pool must be closed when one (1) of the following conditions exist:

- (1) The units of lifesaving equipment specified in Minnesota Rules, Chapter 4717 are not provided.
- (2) The water clarity standard specified in 231.70(g) is not met.
- (3) The disinfection residual specified in 231.70(d) is not met.
- (4) The pool has been constructed or physically altered without approval of plans as required by Minnesota Rules, Chapter 4717.
- (5) There is any condition that endangers the health or safety of the public. (2003-Or-068, § 1, 6-20-03)

231.110. License required. No person shall operate or permit swimming in a public swimming pool, regardless whether a fee is charged for such use, without a valid public swimming pool license issued pursuant to this chapter. Issuance of public swimming pool licenses shall be governed by Chapter 259, 261 and 263 of this Code. Where a property has more than one (1) pool located upon it, separate authorization shall be obtained for each pool, and the license fee shall be according to the fee schedule provided in this chapter. Minneapolis Park and Recreation Board and Special School District No. 1 shall be required to obtain licenses for public swimming pools that they own or operate; however, no license fee shall be charged. (2003-Or-068, § 1, 6-20-03; 2005-Or-115, § 1, 11-18-05)

231.120. License fees. The annual fee for a public swimming pool license shall be as established in Appendix J, License Fee Schedule. (2003-Or-068, § 1, 6-20-03)

231.130. When licenses expire. Licenses issued under this chapter shall expire on April first of each year. (2009-Or-128, § 1, 11-13-09)

231.140. Revocation, suspension, nonrenewal of license. The city council may revoke, suspend or refuse to renew a public swimming pool license for failure to comply with any of the provisions of this chapter, including the state health department rules incorporated herein, or for failure to comply with any other applicable provisions of this Code. (2003-Or-068, § 1, 6-20-03)

231.150. Effective date. This chapter shall become effective July 1, 2003. (2003-Or-068, § 1, 6-20-03)

231.160. Severability. If any part or provision of this title or the application thereof to any person, entity, or circumstances shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or the application thereof to other persons, entities, or circumstances. (2003-Or-068, § 1, 6-20-03)

CHAPTER 244. MAINTENANCE CODE

ARTICLE I. GENERALLY

244.10. What constitutes. This chapter and Chapter 242 shall be known and may be cited as the Housing Maintenance Code. (Code 1960, As Amend., § 66.010)

244.20. Purpose and policy. The purpose of the housing maintenance code is to protect the public health, safety and welfare. Said code (a) Establishes minimum standards for basic equipment and facilities; for light, ventilation and heating; for safety from fire; for space, use and location; for safe and sanitary maintenance of all dwellings; (b) Determines the responsibilities of owners, operators and occupants of dwellings; (c) Provides, as an incident to the primary regulation, for registering the operation of certain dwellings; and (d) Provides for administration and enforcement. (Code 1960, As Amend., § 66.020)

244.30. Findings. The council finds there exist in the city numerous dwellings which are substandard in one or more important features of structure, equipment, maintenance or occupancy. Such conditions adversely affect public health and safety and lead to the continuation, extension and aggravation of urban blight. Adequate protection of public health, safety and welfare therefore requires the establishment and enforcement of minimum housing standards. (Code 1960, As Amend., § 66.030)

244.40. Definitions. The following words and phrases when used in the housing maintenance code shall have the meanings respectively ascribed to

them in this section:

Approved: Approved by the director of inspections pursuant to applicable provisions of this Code of Ordinances and other ordinances and regulations.

Attic story is any story situated wholly or partly in the roof, so designed, arranged or built as to be used for business, storage or habitation.

Basement: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

Bath: A bathtub or shower bath.

Bedroom: A habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room.

Block: A portion of the city, whether occupied by buildings or not, which is enclosed by and bounded by adjoining streets having official street name designations.

Chief of the fire prevention bureau: The legally designated chief of the fire prevention bureau or authorized representative.

Clean: The condition of being completely free from readily noticeable dirt, soil, stain, left over food particles, or other material not intended to be a part of the object in question.

Commissioner of health: The commissioner of health or authorized representative in the department of health.

Communal: Used or shared by, or intended to be used or shared by the occupants of two (2) or more rooming units or sleeping rooms.

Communicable disease: The following diseases for the purposes of the housing maintenance code, are deemed communicable: Chicken pox, diphtheria, poliomyelitis, smallpox, tuberculosis, typhoid fever and fevers with rash.

Dining room: A habitable room used or intended to be used for the purpose of eating but not for cooking or the preparation of meals.

Director of inspections: The legally designated director of inspections of the city or authorized representative.

Dwelling: Any building or structure, or portion thereof, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Dwelling unit: Any habitable room located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Efficiency living unit: "Efficiency living unit" is any room having cooking facilities used for combined living, dining and sleeping purposes and for the purpose of this Code shall be deemed a dwelling unit.

Emergency: Any condition or combination of conditions which in the opinion of the commissioner of health, director of inspections or the chief of the fire prevention

bureau requires immediate action for the protection of health, safety or welfare of the occupants of a dwelling or of the public.

Extermination: The control and elimination of insects, rodents, vermin or other pests.

Family: A "family" is an individual or two (2) or more persons related by blood, marriage, domestic partnership as defined in Chapter 142 of the Minneapolis Code of Ordinances, or adoption, including foster children and bona fide domestic servants employed on a full-time basis by the family in the dwelling unit, living together as a single housekeeping unit in a dwelling unit and also including roomers, provided that the family plus the roomers shall not exceed a total of five (5) persons; provided further that the limit of five (5) persons shall not apply where the entire group living in the dwelling unit consists of persons related by blood, marriage or adoption including foster children and domestic servants.

Fire escape: An emergency means of egress. A fire escape shall not constitute a required stairway.

Fire resistance or fire-resistive construction: Construction to resist the spread of fire, details of which are specified in section 85.100 and Chapter 87, Article II of this Code.

Garbage: Animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food.

Group Residential Facility: A "group residential facility" is one operated by a lawfully established and existing philanthropic or charitable organization or agency and which employs personnel of demonstrated competency in the fields of social, spiritual and physical rehabilitation, and has and operates under its own charter, regulations, rules and standards. In order to qualify, such agency must furnish adequate proof of the soundness of its governing charter, regulations and code and of its prior successful existence and practice.

Habitable floor area: An area which has a ceiling height of seven and one-half (7 1/2) feet throughout. However, on floors above the first floor the habitable area shall have a minimum ceiling height of seven and one-half (7 1/2) feet over fifty (50) per cent or more of its area, and no part of any floor having a ceiling height of less than five (5) feet shall be considered as part of the habitable floor area; and further, in dwellings one story and attic in height, attic type bedrooms may be located above the first floor of each dwelling unit if such attic type bedrooms have a minimum ceiling height of not less than seven (7) feet over fifty (50) per cent of their floor area.

Habitable room: Any room meeting the requirements of this Code for sleeping, living, cooking or dining purposes excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, recreation rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

Hazardous heating installations: All heating installations except those which conform with the applicable laws regulating the installation of such space heating in effect now or at the time of installation and which have been maintained in good repair and working condition and are being used in a safe manner.

Hazardous plumbing: All plumbing except that which conforms with the applicable laws regulating the installation of such plumbing in effect now or at the time of

installation and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.

Hazardous wiring: All wiring except that which conforms with the applicable laws regulating the installation of such wiring in effect now or at the time of the installation, and which has been maintained in good condition and is being used in a safe manner.

Hotel, licensed: Any dwelling wherein sleeping or rooming accommodations are offered or furnished to the general public for a shorter period of time than one week, with or without meals. It shall not include rooming houses or lodging establishments.

Hotel unit, licensed: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping in a licensed hotel, but not for cooking of meals.

Infestation: The presence of any insects, rodents, vermin or other pests within a dwelling or on the dwelling premises.

Kitchen: A habitable room used or intended to be used for cooking or the preparation of meals.

Living room: A habitable room within a dwelling unit which is used or intended to be used primarily for general living purposes.

Lodging establishment: Every building or structure, or any part thereof, kept, used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished regularly to roomers, for periods of one week or more, and having five (5) or more sleeping rooms or five (5) or more beds to let. "Lodging establishment" shall not include that part of a building or structure containing "shared-bath dwellings" as that term is defined in Chapter 244 of the Minneapolis Housing Maintenance Code. The term "lodging establishment" shall include fraternities and sororities as defined in the Minneapolis Zoning Code.

Lodging establishment with boarding: A lodging establishment where in meals are prepared and/or served to tenants.

Motel: "Motel" shall mean "Hotel, licensed" as defined in this Code.

Multiple dwelling: Any dwelling occupied, fitted up or arranged to be occupied as three (3) or more dwelling units and shall also include rooming houses and lodging establishments as defined herein.

Nondwelling structure: Any structure, except a dwelling, used or intended to be used for the shelter or enclosure of any animal or property of any kind.

Occupant: Any person over one year of age, including an owner or operator, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit, rooming unit, or sleeping room or hotel unit.

Operator: Any person who has charge, care or control of a building, or part thereof, in which dwelling units, rooming units, sleeping rooms or hotel units are let.

Owner: The person who is the last owner of record or the fee owner or the contract purchaser or the agent of the aforementioned person or member resident of a warrant-owned building as defined by Minnesota Statutes, Section 273.133, subdivision 1.

Plumbing system: The plumbing system of a building includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste and vent pipes; the building drain and building sewer; the storm water drainage, with their devices and appurtenances; and connections within the building and outside the building within the property line.

Premises: A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure.

Professional: Whenever the words "professional state of maintenance and repair" are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

Recyclables or recyclable materials: Recyclables are former items of rubbish which have been cleaned so as not to cause health or nuisance problems and separated into categories as follows for purposes of transportation, processing and final remanufacturing. Recyclables shall include, but not be limited to glass; aluminum, bi-metal, steel or tin cans, and other scrap metals such as brass, copper, lead; paper such as newsprint, corrugated cardboard, magazines, ledger paper, bond, computer printout paper, computer tab cards; housewares such as small and large appliances, furniture, utensils, tools; textiles such as clothing and linen.

Any of the above items which are not properly cleaned, prepared or stored such that they pose the threat of health, environmental or nuisance problems shall remain the responsibility and property of the individuals or household from which the materials originated.

Roomer: An occupant of a rooming house or lodging establishment who is not a member of the family of the operator of that rooming house, and shall also mean an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit. This shall not be construed as to include temporary nonpaying guests of the operator.

Rooming house: Any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to five (5) or more roomers, with or without meals. Rooming houses shall be in compliance with the zoning ordinance and the construction requirements for rooming houses created after January 1, 1971, and alterations made to existing rooming houses after January 1, 1971 shall be as required for Group R occupancies in the building code.

Rooming unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking of meals.

Rubbish: Combustible or noncombustible waste materials, including garbage; and the term shall include, but shall not be limited to, such material as ashes, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, scrap metal, mineral matter, glass, crockery and dust. Rubbish shall not include human excreta, sewage or motor lubricating oils.

Sanitary: The condition of being completely free from infective, physically hurtful, diseased, poisonous, unwholesome, or otherwise unhealthful substances or influence and being completely free from rodents or arthropods, from the traces of either, and from an environment conducive to the growth of either.

Shared bath dwelling: A dwelling unit which does not contain a water closet and

a hand lavatory and a bathtub or shower for the exclusive use of the occupants of the unit.

Single-family dwelling structure: A detached building occupied as a dwelling by one family alone.

Sleeping room: Any room in a lodging establishment which is used, intended to be used, or offered or held out for use, as a place where roomers sleep.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six (6) feet above grade, as defined herein, for more than fifty (50) per cent of the total perimeter, or is more than twelve (12) feet above grade, as defined herein, at any point, such basement, cellar or unused underfloor space shall be considered a story.

Story, first: The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) per cent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.

Superficial floor area: Clear floor space, exclusive of fixed or built-in cabinets or appliances.

Supplied: Furnished, provided by, or under the control of, the owner, operator or agent.

Temporary housing: Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not permanently attached to the ground or to another structure.

Two-family dwelling: Any dwelling containing only two (2) dwelling units.

Water closet: 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 system.

Wood-frame construction: As applied to dwelling shall mean that type of construction in which the load bearing portions of the exterior walls or a portion thereof are of wood. (Code 1960, As Amend., § 66.040; Ord. of 2-22-74, § 1; Ord. of 9-12-74, § 1; 78-Or-244, § 1, 11-22-78; 79-Or-160, § 1, 8-9-79; 82-Or-094, § 1, 5-28-82; 82-Or-106, § 1, 6-11-82; 83-Or-097, § 1, 4-29-83; Pet. No. 252271, § 6, 5-11-90; 91-Or-240, § 1, 12-6-91; 2003-Or-110, § 1, 8-22-03; 2006-Or-073, § 1, 6-30-06)

244.50. Meaning of certain words. (a) Whenever the words "dwelling," "dwelling units," "shared bath dwelling," "shared bath units," "rooming house," "rooming unit," "lodging establishment," "sleeping room," "hotel," "hotel units" or "premises" are used, they shall be construed as though they were followed by the words "or any part thereof."

(b) Whenever the words "professional state of maintenance and repair" are used they shall mean that such maintenance and repair shall be made in a reasonably

skillful manner.

- (c) Whenever the words "properly installed," "properly maintained," "properly connected" or "properly constructed" are used they shall mean in conformance with such ordinances of the city applicable now or at the time of such installation which governed such installations, maintenance connections or construction. (Code 1960, As Amend., § 66.050; 81-Or-106, § 2, 6-11-82; Pet. No. 252271, § 7, 5-11-90; 2006-Or-073, § 2, 6-30-06)

244.60. Temporary housing prohibited; exception. (a) Unless otherwise provided in this section, no camp car, house trailer, automobile, tent or other temporary structure may be parked or placed upon any public street or on any public or private premises or street in the city and used as a shelter or enclosure of persons and their effects for the purpose of living therein.

- (b) The director of inspections may issue a permit to allow for temporary housing when a specified emergency creates the need to allow for such housing. A permit may be issued only when the emergency creating the need is an act of nature, a technological failure or malfunction, a terrorist incident, a public health emergency, an industrial accident, a hazardous material accident, or destruction caused by a civil disturbance.
- (c) When the director of inspections issues a permit to allow for temporary housing, the director shall provide that the permit will expire after a specific period of time, not to exceed six (6) months. The director shall attempt to set the expiration date to coincide with the elimination of the need for temporary housing. The director may grant one (1) six-month extension of this permit.
- (d) The director of inspections may set conditions on the use of the permit to mitigate the negative impacts of the permit. These conditions may include compliance with applicable statutes, ordinances and/or rules, including but not limited to the Minneapolis Fire Code, Minneapolis Health Code, Minneapolis Building Code, Minneapolis Housing Maintenance Code, and the Minneapolis Zoning Code. In addition, the director may impose any additional appropriate conditions to the use of the temporary housing permit.
- (e) The director of inspections may revoke the permit if the need for such temporary housing ends, or if the permit holder fails to comply with the conditions set by the director as to the use of the temporary housing permit. (Code 1960, As Amend., § 66.060; 2005-Or-145, § 1, 12-23-05)

244.70. Continuing violations. Each day's continuance of any violation of the housing maintenance code after due notice has been served in accordance with the terms and provisions of section 244.150 shall be deemed a separate offense. (Code 1960, As Amend., § 66.070)

244.80. Enforcement by suit. (a) In addition to the punishments provided in this Code of Ordinances, the city through the officer charged with the enforcement of the various provisions of the housing maintenance code, or any person with standing to sue may seek enforcement thereof in any court of

competent jurisdiction by any appropriate form of civil action and may seek enjoinder of any continued violation thereof and seek to compel obedience thereto by mandatory orders and writs.

- (b) No tenancy of a dwelling, dwelling unit, two-family dwelling or multiple dwelling covered by the housing maintenance code may be terminated because of the commencement of an action pursuant to this section or because of the report to the proper code enforcement authorities of a condition believed to be in violation of the housing maintenance code. In any action brought for the restitution of premises covered by the housing maintenance code, the lessee may show that notice of termination was received subsequent to the making of a violation report to the proper enforcement authorities or subsequent to the commencement of an action pursuant to this section. Such evidence shall be prima facie proof that the tenancy was terminated in violation of this section. The lessor may rebut the presumption of illegal termination through proof that the termination was for other good cause, including nonpayment of rent, or by showing that in fact no report of a violation was made or an action commenced, prior to notice to terminate being given. (Code 1960, As Amend., § 66.080)

244.90. Powers declared additional. The powers conferred on the director of inspections shall be in addition to the power already conferred upon said director of inspections and shall not be construed as in any way limiting these powers. (Code 1960, As Amend., § 66.090; Pet. No. 252271, § 8, 5-11-90)

244.100--244.110. Reserved.

ARTICLE II. ENFORCEMENT

244.120. Officers designated. The director of inspections and authorized representative shall enforce the provisions of the housing maintenance code. This shall not be construed so as to prohibit the commissioner of health or authorized representative or the chief of the fire prevention bureau or authorized representative from the enforcement thereof. (Code 1960, As Amend., § 67.010; Pet. No. 252271, § 9, 5-11-90)

Cross references: Director of inspections to enforce housing maintenance code, § 28.50.

244.130. Inspections required; powers. Pursuant to provisions of this Code of Ordinances, as set forth herein, the director of inspections shall make inspections to determine the condition of dwellings, dwelling units, shared bath dwellings, shared bath units, rooming units, sleeping rooms, hotel units, and premises located within the city for the purpose of enforcing the provisions of the housing maintenance code. The director of inspections, or designated representative, may enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, hotel units, lodging units, lodging establishments, and premises after obtaining consent from an occupant of the premises. In the event

that an occupant of the premises does not consent to entry by the director of inspections or designated representative, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises. No person shall refuse entrance or impede the commissioner of health, director of inspections, chief of the fire department, or the chief of police, or designated representative, in the performance of emergency duties and in case of emergency every such inspector or officer shall have the right to enter, examine and survey all premises, grounds, erections, structures, dwellings and buildings and every part thereof in the city at all times. (Code 1960, As Amend., § 67.020; Pet. No. 252271, § 10, 5-11-90; 97-Or-056, § 1, 6-27-97; 2006-Or-073, § 3, 6-30-06)

244.140. Occupant to give access to owner or operator. When, under the authority set out in section 244.600 of this Code, the extermination of pests is required to be done by a person licensed so to do, the occupant shall, five (5) calendar days after receiving written notice, remove the contents of cupboards, closets and similar places so the extermination can be effective. (Code 1960, As Amend., § 67.030; 78-Or-244, § 2, 11-22-78; 82-Or-106, § 3, 6-11-82; Pet. No. 252271, § 11, 5-11-90; 95-Or-097, § 1, 6-30-95; 97-Or-056, § 2, 6-27-97)

244.150. Notice of violations. Whenever the commissioner of health, the chief of the fire prevention bureau or the director of inspections determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, of any provision of this Code, notice of such violation or alleged violation shall be given to the person or persons responsible therefor. Such notice shall:

- (a) Be in writing;
- (b) Include a description of the real estate sufficient for identification;
- (c) Specify the violation which exists and remedial action required;
- (d) Allow a reasonable time for the performance of any act it requires;
- (e) Be served upon the owner, or the operator, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner, or upon such operator, or upon such occupant if a copy thereof is served upon such owner, operator or occupant personally; or if a copy is left at such owner's, operator's or occupant's usual place of abode with a person of suitable age and discretion then resident therein; or by depositing in the United States Post Office, the notice addressed to such owner's, operator's or occupant's last-known address with postage prepaid thereon; or if service cannot be made by any one (1) of the above means then such notice shall be deemed served if a copy of such notice is posted and kept posted for twenty-four (24) hours in a conspicuous place on the premises affected by such notice.

Notwithstanding the other provisions of this section, a notice of violation shall not

be required for violation of sections 227.90, 240.10, 240.20, 240.30, 240.40, 240.50, 240.60, 240.70, 240.80, 240.90, 240.100, 244.60, 244.240, 244.350, 244.410, 244.430, 244.460, 244.590, 244.610, 244.620, 244.640, 244.660, 244.690, 244.700, 244.760, 244.810, 244.820, 244.850, 244.910, 244.915, 244.930, 244.940, 244.945, 244.960, 244.1080, 244.1090, 244.1260, 244.1360, 244.1450, 244.1490, 244.1500, 244.1510, 244.1575, 244.1610, 244.1810, 244.1970, 385.240, 546.80, 547.80, 548.80 and 549.80. (Code 1960, As Amend., § 67.040; Ord. of 8-29-74, § 1; 78-Or-244, § 3, 11-22-78; 82-Or-106, § 4, 6-11-82; 90-Or-097, § 1, 4-13-90; 91-Or-240, § 1, 12-6-91; 2007-Or-017, § 1, 2-23-07; 2008-Or-039, § 1, 5-16-08)

244.160. Emergency orders. Whenever the commissioner of health, the director of inspections or the chief of the fire prevention bureau finds that an emergency exists in relation to the enforcement of the provisions of the housing maintenance code which requires immediate action to protect the health, safety or welfare of occupants of any dwelling or the public, (s)he may issue an order reciting the existence of such emergency and requiring that such action be taken as deemed necessary to meet the emergency, notwithstanding any other provisions of said code. However, when any such emergency shall be declared to exist the office declaring such emergency shall immediately report the same in writing to the city council. (Code 1960, As Amend., § 67.050; 82-Or-029, § 1, 2-12-82; 82-Or-044, § 1, 3-12-82; Pet. No. 252271, § 12, 5-11-90)

244.170. Warning notice of insanitary condition. All personnel of the sanitation division of the public works department shall take note of any insanitary conditions caused by accumulation of garbage, rubbish or other debris upon any premises serviced by them and shall report such conditions to their supervisors who shall cause a "warning notice" of such conditions to be served upon the owner or occupant of the premises, either by mail or by leaving such notice in a conspicuous place on the premises. Such notice shall be on a form to be prepared by the director of public works and a record of all such notices served shall be transmitted to the director of inspections for further inspection and enforcement of the provisions of the housing maintenance code. The service of any notice pursuant to this section shall not in any way supersede or affect any other order, tag or notice of violation duly issued or served pursuant to any other ordinance. (Code 1960, As Amend., § 67.060)

244.180. Emergency housing repair. (a) For the purposes of this section, the following definitions shall apply unless the context clearly indicates otherwise:

- (1) The emergency violation hearing board (hereinafter referred to as "the board") shall consist of the director of inspections, the commissioner of health, and the chief of the fire prevention bureau, each of whom may appoint two (2) designees. If designees are appointed, the city council and the mayor shall be informed in writing of the designees.
- (2) The housing maintenance code revolving repair fund (hereinafter referred to as "the fund") shall consist of the "revolving fund for tenants remedies and hazardous buildings act, and an emergency repair ordinance/City of

Minneapolis" and any other funds which may be appropriated.

- (b) If an emergency is found to exist and a repair order is issued pursuant to section 244.160, the office declaring such emergency shall immediately notify the board, which shall hold a hearing as soon as the deadline date for making the repair has passed. A quorum for this meeting shall be three (3) members, one from each department, but no more than one from each department, and all actions shall require a majority vote of members present.

The owner or person authorized to make or order repairs as registered pursuant to section 244.200(e) and the affected occupant(s) shall be notified of the time and place of the hearing, and shall be allowed to present relevant evidence. Notice shall consist of a reasonable effort by the office declaring the emergency to contact the owner or person authorized to make or order repairs and the occupant, except that such notice need not be in writing and may be given over the telephone. Failure to attend by the owner or the occupant shall not preclude board action.

- (c) Every notice of emergency issued pursuant to section 244.160 shall include the following language: "If you do not comply with this order by the above date, the city may remedy the violation and assess the costs to you, or allow the occupants to make the repair and deduct the expense from the occupant's rent, or take such other action it deems appropriate, pursuant to Chapter 244 of the Minneapolis Code of Ordinances."
- (d) If the office declaring the emergency finds that the repair has been completed before the time of the hearing, the hearing shall be cancelled and all parties shall be so notified.

Upon finding that the repair has not been completed within the initial time allowed by the office declaring the emergency, that the emergency exists, and that the violation(s) have not been caused by the willful, malicious, negligent, or irresponsible conduct of a complaining occupant or anyone under the occupant's direction or control, the board may in its discretion order one or more of the following:

- (1) Grant an extension for good cause;
- (2) Allow the occupants to remedy the violation pursuant to section 244.180(d)--(h) of this Code; if necessary, the board may guarantee payment of up to two thousand dollars (\$2,000.00) to contractors by the occupant using the fund as the guarantee source; may recommend a higher guarantee payment to the city council for its action; and the city shall recover from the owner any money paid pursuant to this guarantee, including appropriate interest, using such means, including special assessments, as feasible;
- (3) Order the remedy of the violation by the city; monies to perform such repairs shall come from the fund and all costs incurred by the city, including appropriate interest, shall be recovered from the owner, using such means, including special assessments, as feasible;
- (4) Order other such action as it shall deem necessary in order to remedy the emergency condition.

Any repair made pursuant to this section shall discharge the owner's responsibility to comply with any order to repair the emergency to the extent remedied.

- (e) If the emergency violation hearing board issued an order pursuant to section 244.180(c)(2) of this Code permitting an occupant to remedy an emergency condition, the occupant of the premises affected may remedy this emergency and deduct the reasonable repair expenses of this remedy from the occupant's rent. The occupant shall include with the first rent payment following the remedy of the emergency a copy of the receipt for repair expenses which differentiates between the cost of materials and the cost of labor. Unless the receipt has been fully paid, the occupant shall also include a copy of any installment payment contract which finances the repairs. If the rent for the period is reduced to zero due to the use of this section, the occupant must deliver a copy of the repair receipt or copies of the repair receipt and installment payment contract in the same manner as the rent payment is usually made. Any such repair expenses shall be considered a deduction from rent owed by the occupant and shall discharge the owner's responsibility to comply with any order to repair the emergency to the extent remedied. If an installment payment contract is involved, an occupant may, during any twelve-month period beginning with the first month of deduction, deduct from the rent due to the owner an amount, including the sum of principal and interest, not to exceed the equivalent of three (3) months' rent.
- (f) Any repairs made pursuant to this section must comply with all applicable state laws and the Minneapolis Code of Ordinances, including, but not limited to, the ordinances contained in Title 5, Building Code, relating to permits, licensed contractors, and quality of repair.
- (g) The hearing provided for in (b) above shall be in lieu of the appeal provided for in Chapter 242 of this Code. Appeal of any order of the board may be made to Minnesota District Court, Fourth Judicial District.
- (h) The rights afforded by this section:
 - (1) May not be waived or modified; and
 - (2) Are in addition to and do not limit other rights available to the occupant. (82-Or-029, § 2, 2-12-82; 82-Or-044, § 2, 3-12-82; Pet. No. 252271, § 13, 5-11-90)

244.185. Revolving fund for rental property repair. The department of inspections shall maintain a revolving fund to be known as the housing maintenance code revolving repair fund for tenant remedies actions (hereinafter referred to as "the fund"). The fund may be drawn upon by administrators appointed by a court pursuant to Minnesota Statute Section 504B.425(d) and in the manner prescribed by Minnesota Statute Section 504B.445, Subd. 4(5). Monies to perform such repairs, including approved administrative expenses and fees, shall come from the fund. All costs and fees incurred by the court-appointed administrator, including appropriate interest, shall be recovered from the property owner. If the director of inspections determines it is appropriate, disbursements from the fund may be recovered through the special property tax assessment process. The assessment, interest, and any penalties shall be collected in the same manner as are special assessments made for other purposes under state statute or municipal charter. Repairs made pursuant to this section must comply

with applicable state law and the Minneapolis Code of Ordinances in such a manner as to achieve minimum compliance with the housing maintenance code. Disbursements from the fund shall not be subject to the provisions and requirements of the procurement process of the city and shall be made on a case by case basis at the discretion of the director of inspections. (2002-Or-060, § 1, 7-12-02; 2006-Or-002, § 1, 1-27-06)

244.190. Reinspection fee. (a) There shall be no fee charged for an initial inspection to determine the existence of a housing maintenance code violation.

A one hundred dollar (\$100.00) fee shall be charged for each subsequent reinspection finding noncompliance that is conducted after the due date for compliance with an order, as determined by the director of inspections or the director's designee.

(b) The reinspection fees prescribed above shall be billed directly to the owner or contact person/agent of the property. Reinspection fees shall be increased by fifty (50) percent when not paid within thirty (30) days after initial billing, to cover administrative costs. Failure to pay such fees shall be grounds for denial, revocation, suspension, or non-renewal of a rental dwelling or lodging house license.

This subsection shall not be considered the exclusive method of collecting reinspection fees and shall not preclude collection by other lawful methods.

(c) Every notice of violation and order to correct housing code violations shall contain a clear and conspicuous explanation of the policy in this section requiring fees for reinspections.

(d) The director, and housing inspection supervisors designated by the director, may waive a reinspection fee in case of error, mistake, injustice, or other good cause. (92-Or-172, § 1, 12-10-92; 93-Or-106, § 1, 7-30-93; 94-Or-087, § 1, 7-1-94; 2002-Or-164, § 1, 10-25-02; 2004-Or-080, § 1, 7-23-04)

ARTICLE III. REGISTRATION OF COOPERATIVE AND CONDOMINIUM BUILDINGS

244.200. Required. No person shall occupy or allow to be occupied any cooperative, condominium or townhouse building for which a registration statement has not been properly filed with the director of inspections. The provisions of this article shall not apply to leasehold cooperatives, as defined in Minnesota Statutes, Section 273.124, Subd. 6. The payment of fees set forth in section 244.220 of this chapter shall be a prerequisite to this required registration. Such registration statement shall be made and filed on a form furnished by the director of inspections for such purpose and shall set forth the following information:

(a) Name, address, phone number and date of birth of a contact person, a person appointed by the association to be responsible for managing the common areas of the building or complex of buildings, to accept service of process and to receive and give receipt for notices. The contact person

shall reside inside of the sixteen-county metropolitan area consisting of the following counties: Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Leseuer and Goodhue. A post office box number or commercial mail service is not acceptable for an address.

- (b) Name, address, phone number and position of the board members of the association;
- (c) Street address of the building or complex of buildings;
- (d) Address of each building within the complex of buildings and the unit numbers of each unit within the building. For each rental dwelling unit within the building or complex of buildings, identify the rental dwelling by address and unit number, and provide the owner's name and address.
- (e) The director of inspections shall enclose with the registration billing a new application to be completed by the registrant and returned with the proper registration fees. Upon receipt of the proper registration fee and the completed application for registration, the director of inspections shall mail to the registrant a certificate of registration indicating the property is registered and proper payment has been made. (Code 1960, As Amend., § 69.010; Ord. of 8-10-73, § 1; Ord. of 2-22-74, § 1; Ord. of 2-28-75, § 1; Ord. of 9-26-75, § 1; Ord. of 10-31-75, §§ 1, 2; 77-Or-112, § 1, 5-27-77; 80-Or-001, § 1, 1-11-80; 82-Or-106, § 5, 6-11-82; 82-Or-136, §§ 1, 2, 7-16-82; 88-Or-225, § 1, 12-30-88; 90-Or-235, § 2, 9-14-90; 91-Or-134, § 1, 7-12-91; 2003-Or-153, § 1, 12-29-03)

244.210. Manner of registering. The registration shall be made by the owner if such owner is a natural person; if the owner is a corporation, by an officer thereof; if a partnership, by one of the partners; and if an unincorporated association, by the manager, or managing officer thereof in the office of the director of inspections. Notwithstanding, renewal of registrations as required annually by this code may be made by filling out the required renewal form furnished by the director of inspections to the owner, operator or agent of a dwelling and mailing said form together with the required registration fee to the director of inspections. Such renewal of registration may only be made where there has not been a change in ownership, operator, agent or type of occupancy as originally registered. (Code 1960, As Amend., § 69.020; Ord. of 8-10-73, § 2)

244.220 Reserved.

Editor's note: Ord. No. 2004-Or-013, § 1, adopted Feb. 13, 2004, repealed § 244.220, which pertained to annual registration; fee; change of status. See also the Code Comparative Table.

244.230. Posting. Every registrant of a building or complex of buildings shall post a receipted copy of the current registration containing the information required by section 244.200(a) through (e) when received from the director of inspections. This item shall be conspicuously posted (in a frame with transparent

cover) by the registrant in a public corridor, hallway or lobby of the building for which it is issued. If a public corridor, hallway, or lobby does not exist, the association shall provide dwelling unit owners with a copy of the certificate of registration. (Code 1960, As Amend., § 69.050; Ord. of 8-10-73, § 6; Ord. of 8-29-74, § 1; Ord. of 10-31-75, § 3; 77-Or-112, § 2, 5-27-77; 90-Or-235, § 4, 9-14-90; 2003-Or-153, § 3, 12-29-03)

244.240. Reserved.

Editor's note: Ord. No. 2003-Or-153, § 4, adopted Dec. 29, 2003, repealed § 244.240, which pertained to requirement of notification. See also the Code Comparative Table.

244.250. Reserved.

ARTICLE IV. EQUIPMENT AND FACILITIES

244.260. Compliance required. No person shall occupy as owner-occupant or let or allow another to occupy any dwelling, dwelling unit or other structure for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements set forth in this article. (Code 1960, As Amend., § 70.010; Ord. of 7-26-74, § 1)

244.265. Tenant to be notified of mortgage foreclosure or cancellation of contract for deed. (a) Any person who lets for rent any dwelling, dwelling unit or other structure for the purpose of living, sleeping, cooking or eating, shall notify the tenant(s), in writing within seven (7) days, if the owner/landlord receives a notice of mortgage foreclosure sale under Minnesota Statute Chapters 580 or 582 or a notice of a contract for deed cancellation under Minnesota Statute § 559.21. This notice shall be in addition to the requirements under Minnesota Statute § 504B.151, which applies to prospective tenants.

- (b) Prior to letting for rent any dwelling, dwelling unit or other structure for the purpose of living, sleeping, cooking or eating and prior to accepting any security deposit from a tenant, the owner/landlord must provide written notice to the prospective tenant that the owner/landlord has received notice of a contract for deed cancellation or notice of a mortgage foreclosure sale as appropriate, and the date on which the contract cancellation period or the mortgagor's redemption period ends.
- (c) Written notice, for the purposes of this section, shall be given by personal service with affidavit of service by a third party, or by certified mail, return receipt requested.
- (d) Failure to comply with the requirements of this section shall be punishable as a misdemeanor.

(2009-Or-044, § 1, 5-22-09)

244.270. Liability for utility service payments. No person shall let for rent any dwelling, dwelling unit, or other structure for the purpose of living, sleeping, cooking or eating without first giving to the tenant or lessee, written notice of who the bill payer is for all public utilities to be used by the tenant or lessee. In the absence of a separate utility meter which accurately measures the amount, quantity or extent of electricity, gas or water consumed on the premises leased by the tenants or lessee, the owner or lessor shall contract with the utility for utility services and shall be the bill payer and the customer of record of the utility. Nothing herein shall affect the validity of a written rental agreement, executed on or before the effective date of this section, requiring a tenant to contract directly with a utility for utility services. (Code 1960, As Amend., § 70.010; Ord. of 7-26-74, § 1; 78-Or-244, § 5, 11-22-78; 87-Or-058, § 1, 4-10-87; 87-Or-179, § 1, 10-9-87)

244.275. Tenant to be notified of arsenic testing, removal and remediation in South Minneapolis Neighborhood Soil Contamination Site. (a) For the purpose of this section, the "South Minneapolis Neighborhood Soil Contamination Site" shall mean the area of South Minneapolis that has been or shall in the future be designated by the United States Environmental Protection Agency for testing, removal and/or remediation of arsenic contamination from residential properties.

- (b) Any person allowing to be occupied or letting or offering to let to another for occupancy any dwelling unit located in the South Minneapolis Neighborhood Soil Contamination Site area shall provide to the tenant or lessee copies of all written or electronic information received from the United States Environmental Protection Agency (USEPA) or its agents or contractors concerning arsenic testing results, and removal or remediation activities pertaining to the leased premises. Additionally, any such person shall facilitate, cooperate with and permit the USEPA or its agents or contractors to perform any lawful testing, cleanup, removal or remediation activities at such property as deemed reasonable and necessary by the USEPA. Violation of this section shall constitute good cause for adverse license action pursuant to section 244.1910.
- (c) Information regarding environmental testing, removal and remediation required to be provided under this section shall be provided to the tenant or lessee at each of the following times:
 - (1) Within thirty (30) days after the effective date of this section;
 - (2) Within thirty (30) days of receiving new information from the USEPA or its agent or contractor; and
 - (3) Prior to signing a lease for the premises or prior to agreement upon a tenancy, if no lease is provided.
- (d) The property owner or the owner's representative shall retain an arsenic notification advisory in a format prescribed by the City of Minneapolis, stating that the property owner has complied with all notification requirements under this section, the dates of compliance, and the signature of the tenant or lessee attesting to compliance. If there is a contract or lease for the tenancy, the arsenic

notification advisory must be attached thereto.

- (1) The property owner shall provide a copy of the Arsenic Notification Advisory to the department of inspections upon request of the director of inspections or their designee.
- (e) Within ninety (90) days of the date of the last Environmental Protection Agency cleanup in the South Minneapolis Soil Contamination Site, Environmental Services will develop a recommendation on whether to sunset or alter this section. (2006-Or-112, § 1, 10-20-06; 2010-Or-006, § 1, 2-26-10)

244.280. Tenant to be given copy of lease. Any person who lets for rent any dwelling, dwelling unit or other structure for the purpose of living, sleeping, cooking or eating, pursuant to a written lease, shall furnish a copy of the written lease to the tenant or lessee within five (5) days after it is signed by both parties. (Code 1960, As Amend., § 70.010; Ord. of 7-26-74, § 1; 82-Or-106, § 8, 6-11-82)

244.285. Tenant to be notified of entry. Whenever an owner, or an agent or person acting under the owner's direction and control, intends to enter a dwelling unit leased or rented to a tenant or lessee, the person making the entry shall, prior to the time of entry, make a good faith and reasonable effort to notify the tenant or lessee that such entry will be made. (85-Or-193, § 1, 10-11-85; 97-Or-056, § 3, 6-27-97)

244.290. Dwelling plumbing facilities required. Every dwelling unit shall contain a kitchen sink, a water closet, a bathtub or shower and hand lavatory all in good working condition, and properly connected to a water supply and sewage system.

The water closet and shower or bathtub shall be located within a room which affords privacy to a person within said room. The hand lavatory shall be placed in the same room as the water closet, or if located in another room, shall be located in close proximity to the door leading directly into the room in which said water closet is located. Doors of bath or toilet rooms shared by persons other than members of a family, as defined in this Code, shall be provided with an approved locking device.

In dwellings let to another, not more than ten (10) persons may share the water closet, bathtub or shower and hand lavatory required by this section. Dwelling units let to another, when occupied by more than ten (10) persons, shall be provided with an additional water closet, and hand lavatory for each additional ten (10) persons or fraction thereof. (Code 1960, As Amend., § 70.020; 78-Or-244, § 6, 11-22-78; 82-Or-106, § 9, 6-11-82)

244.300. Shared bath dwelling unit plumbing facilities required. Every shared bath dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water supply and sewage disposal system and shall have available to its occupants a water closet, a hand lavatory, and a bathtub or shower. The occupants of not more than two (2) shared bath dwelling units may share a single water closet, a single hand lavatory and a single bathtub or

shower if:

- (a) The number of occupants sharing a water closet, hand lavatory and bathtub or shower does not exceed four (4) persons.
- (b) Such water closet, hand lavatory, bathtub or shower shall be in good working condition and properly connected to a water and sewer system.
- (c) The room or rooms within which the water closet, hand lavatory and bath are contained is located not more than one floor distant from the dwelling units whose occupants share the use of such facilities. (Code 1960, As Amend., § 70.030; Ord. of 9-12-74, § 1)

244.310. Basement water closet. A water closet may be located in a basement when required for a legal dwelling unit or shared bath unit within such basement. A water closet may be located in a basement when such water closet is supplementary to water closets required by the housing maintenance code. (Code 1960, As Amend., § 70.040; 82-Or-106, § 10, 6-11-82)

244.320. Hot and cold water. Every kitchen sink, hand lavatory, and bathtub or shower shall be properly connected with both potable hot and cold running water and shall, with normal use, have an adequate supply of both hot and cold water. (Code 1960, As Amend., § 70.050; 78-Or-244, § 7, 11-22-78)

244.330. Water heating facilities. Every dwelling shall have supplied water heating facilities properly installed and maintained in a safe and good working condition and properly connected with the hot water lines required under the provisions of section 244.320. The hot water heating facilities required by this section shall be of a capacity and so maintained and operated as to permit, with normal use, an adequate supply of water to be drawn at any required kitchen sink, hand lavatory, bathtub or shower and to maintain the temperature of said water at not less than one hundred twenty (120) degrees Fahrenheit at the fixture. Multiple dwellings containing six (6) dwelling units or less shall be deemed to have an adequate supply of hot water when such multiple dwellings are equipped with a water heater capable of providing twenty (20) gallons of hot water per dwelling unit per hour. (Code 1960, As Amend., § 70.060; 81-Or-063, § 1, 3-27-81; 82-Or-106, § 11, 6-11-82)

244.340. Sewer and water connections. All dwellings located on a lot or plot of ground adjacent to or abutting a street or alley in which such street or alley a city sanitary sewer and city water line exists shall have all the plumbing facilities properly connected in a nonhazardous manner to such sewer and water systems. If no city water or sewer system exists in the abutting or adjacent street or alley, then such water and sewer systems as the commissioner of health shall order must be installed. (Code 1960, As Amend., § 70.070; 78-Or-244, § 8, 11-22-78)

244.350. Solid waste storage. Every dwelling unit, rooming unit, and shared bath unit shall be provided with an adequate number of containers to hold the solid waste accumulated by such units until said solid waste is removed from the premises. These containers shall be made of metal or approved plastic and be equipped with tight-fitting covers. Where city collection is utilized, pursuant to section 225.600 of this Code, the city engineer shall determine the number of mobile refuse containers (MRC) needed to hold the solid waste accumulated by such units until it is collected for disposal. An owner, operator or agent utilizing private solid waste collection shall provide both the required solid waste containers and the removal service. Approved plastic solid waste containers shall meet the standards of the National Sanitation Foundation Standard No. 21 (as revised 1975). A copy of the standard will be on file at the Minneapolis Department of Health and Family Support.

Unobstructed pedestrian walkways not less than thirty (30) inches in width shall be maintained to the required solid waste containers. Such walkways shall lead from the public way and shall also be accessible to and usable by the occupants of the dwelling for which the containers are provided. Snow, whether natural, piled or accumulated, to a depth greater than six (6) inches shall be deemed to constitute an obstruction if not removed within a twelve-hour time period after snow has ceased to fall.

When in the opinion of the director of inspections it has proven necessary to protect the health, safety and welfare of the public, the director may require owners of dwellings at specific addresses to provide large dumpster-type solid waste containers. Said dumpster-type containers must be rodent-proof, well maintained, bear identification of the solid waste hauler supplying the containers, including the phone number, and be provided with metal covers which the tenants can operate with no unusual physical effort. The solid waste haulers providing the dumpster service must provide collection service at least once every week and the dumpster or dumpsters shall be of sufficient size to handle the accumulation of solid waste between pickup periods from the address where the dumpster-type container is required. Large dumpster-type solid waste containers shall be required after conditions at a specific address have resulted in the issuance of two (2) written orders for overflowing solid waste within any twelve-month period. (Code 1960, As Amend., § 70.080; 78-Or-244, § 9, 11-22-78; 82-Or-106, § 12, 6-11-82; 82-Or-147, § 1, 7-30-82; 83-Or-240, § 1, 9-30-83; 96-Or-047, § 1, 5-24-96)

244.355. Collection of recyclable materials. (a) *Purpose:* This section is designed to prevent and discourage unauthorized collection of recyclable materials which are set out by city residents as part of the city's designated recycling program. Unauthorized collection or "scavenging" may reduce the volumes of material collected as part of the city's designated program and thereby threaten the economic viability of the program. Scavenging may also cause confusion among participating residents and thereby disrupt the publicity and educational processes of the city's designated recycling program.

(b) *Ownership:* Ownership of recyclables stays with the person or household that originally purchased the item until that person relinquishes his/her rights of ownership through specific action of giving or selling said materials to a recyclables collection program. Nothing in this section shall abridge the right of the individual or household to give or sell his/her materials to any recyclables

material collection program.

Recyclable materials placed at the solid waste collection point (SWCP), as defined in section 225.670 of the Code, shall be collected only by the city's recycling crews, or the city's designated agents. Upon removal from a SWCP, ownership of properly prepared recyclable material set out for the collection program designated by the city engineer shall be vested in the City of Minneapolis or its designated hauling agents. Ownership of recyclable materials remains with the person or household until picked up by the city's designated collection program. Furthermore, materials not prepared according to reasonable cleaning and sorting specifications shall remain the responsibility and property of the individuals or household from which the materials originated.

- (c) *Unauthorized persons not to collect.* No unauthorized person shall collect recyclable material set out at the solid waste collection point (SWCP), as defined in section 225.670 of the Code, or otherwise intended for city authorized collection. (82-Or-094, § 2, 5-28-82; 96-Or-047, § 2, 5-24-96)

244.360. Reserved.

Editor's note: Section 10 of 78-Or-244, adopted Nov. 22, 1978, repealed former § 244.360 pertaining to garbage storage and disposal and derived from § 70.090 of the 1960 Code as amended.

244.370. Rubbish chutes and bins. No person shall install or use a rubbish chute or a rubbish bin unless such chute or bin has been approved by the persons charged with the enforcement of the housing maintenance code by section 244.120. This shall not be construed as to prohibit the use of properly connected incinerators which have been approved for use by the director of inspections. All openings in rubbish chutes shall be maintained as designed and approved. All openings into flue-fed incinerators which are not in use shall be permanently sealed in an approved manner. (Code 1960, As Amend., § 70.100; 78-Or-244, § 11, 11-22-78; 82-Or-106, § 13, 6-11-82)

244.380--244.390. Reserved.

ARTICLE V. LIGHT, VENTILATION AND HEATING

244.400. Compliance required. No person shall occupy as owner-occupant or let or allow another to occupy any building or structure for the purpose of living therein, which does not comply with the requirements set forth in this article. (Code 1960, As Amend., § 71.010)

244.410. Light and ventilation. Habitable rooms shall be provided with natural light by means of windows or skylights with a glazed area of not less than eight (8) per cent of the floor area of such rooms with a minimum of eight (8) square feet. All bathrooms, water closet compartments, and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an

area of not less than one-twentieth (1/20) of the floor area of such rooms with a minimum of one and one-half (1 1/2) square feet.

Not less than one-half (1/2) of the required window or skylight area shall be openable to provide natural ventilation.

In lieu of openable windows for natural ventilation, a mechanical ventilation system may be provided. Such system shall be capable of providing two (2) air changes per hour in all habitable rooms. One-fifth (1/5) of the air supply shall be taken from the outside. In bathrooms, water closet compartments, and similar rooms, a mechanical ventilation system connected directly to the outside, capable of providing five (5) air changes per hour, shall be provided unless minimum natural ventilation is provided.

Windows shall not be required in kitchens of dwelling units when such kitchen has an opening of at least twenty (20) square feet into an adjoining habitable room and when such kitchen is provided with an approved mechanical ventilation system. In addition, the window area of the adjoining habitable room referred to above shall be of sufficient size so as to provide for the light and ventilation requirements of the kitchen area as well as for said adjoining habitable room.

For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half (1/2) of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth (1/10) of the floor area of the interior room or twenty-five (25) square feet, whichever is greater.

Required windows shall open directly onto a street or public alley or a yard or court located on the same lot as the building. Such street, alley, court or yard shall be open and unobstructed for a distance equal to or greater than the required yard space of the dwelling.

Exception: Required windows may open into a roofed porch where the porch:

- (1) Abuts a street, yard or court; and
- (2) Has a ceiling height of not less than seven (7) feet; and
- (3) Has the longer side at least sixty-five (65) per cent open and unobstructed.

Every sleeping room located below the fourth (4th) floor shall have at least one (1) window or exterior door approved for emergency exit or rescue. An emergency escape and rescue window installed prior to April 11, 1983 shall provide a minimum total glazed area of not less than five (5) square feet. In addition, a window opening (measured with the window open) providing a clear opening not less than twenty (20) inches in width and twenty-four (24) inches in height shall be deemed to meet the requirements of this section provided sill heights are not over forty-eight (48) inches above the floor. Windows installed on or after April 12, 1983 and any new window installations or replacements shall be in compliance with the state building code. Enforcement of this section shall be in compliance with Minnesota State Fire Marshal Division Policy INS-04 (2007) or the most recently-issued revision of that policy. (Code 1960, As Amend., § 71.020; 78-Or-244, § 12, 11-22-78; 82-Or-106, § 14, 6-11-82; Pet. No. 252271, § 14, 5-11-90; 2008-Or-024, § 1, 4-4-08)

244.420. Electric outlets and fixtures. In all existing dwellings now or hereafter supplied with electric service, every habitable room with one hundred twenty (120) square feet of floor space or less shall be provided with two (2) separate floor or wall type duplex electric convenience outlets, and an additional duplex electric convenience outlet shall be required for each additional eighty (80) square feet, or fraction thereof, of floor space. Required outlets shall, insofar as possible, be spaced equal distances apart. Kitchens and rooms with kitchen areas shall have one duplex electric convenience outlet in addition to the number herein required for other habitable rooms. One ceiling-type electric light fixture or one wall-type electric light fixture controlled by a remote switch may be supplied in lieu of one required electric convenience outlet in each habitable room. Every public hall, water closet compartment, bathroom, laundry room and furnace room shall contain at least one supplied electric light fixture. All general use cellar or basement areas shall be provided with sufficient artificial light so as to provide one footcandle of light at all floor areas. All electric outlets and fixtures shall be installed, maintained and energized by a source of electric power in a manner complying with the city electrical code applicable now or at the time such outlets or fixtures were or are installed. The electric service and all wiring shall be maintained in good condition and used in a safe manner. All hazardous wiring and all disconnected, exposed wiring shall be removed. In addition to the foregoing provisions applicable to existing dwellings, when a new electrical service is installed to service dwelling-type units, the following minimum standards shall apply:

- (1) One 15-amp branch circuit with balanced load for every five hundred seventy-five (575) square feet of habitable floor area shall be provided.
- (2) At least one duplex receptacle on a separate 20-amp kitchen appliance circuit shall be provided.
- (3) Where laundry facilities are provided, at least one duplex receptacle on a 20-amp circuit shall be provided to serve such laundry area.
- (4) The bath or toilet room of such dwelling units shall have at least one electrical convenience outlet installed. (Code 1960, As Amend., § 71.030; 78-Or-244, § 13, 11-22-78)

244.430. Heating facilities. The owner of every building containing habitable rooms shall provide heating facilities and shall be required to see that said heating facilities are properly installed, safely maintained and in good working condition, and that said facilities are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein to a minimum temperature as established herein, measured at a distance of thirty-six (36) inches above floor level, and not closer than thirty-six (36) inches from any wall at all times when the outside temperature is at the design level or above. Between October first and April thirtieth the minimum temperature that the required heating facilities must be capable of safely and adequately maintaining shall be at least sixty-eight (68) degrees Fahrenheit and between May first and fifteenth and between September fifteenth and thirtieth the minimum temperature

shall be at least sixty-five (65) degrees Fahrenheit. (Code 1960, As Amend., § 71.040; 78-Or-244, § 14, 11-22-78; 2008-Or-039, § 2, 5-16-08)

244.440. Exit illumination. Exits in other than occupancy Group R-3 (one- and two-family dwellings) shall be adequately illuminated to grade, at any time the building is occupied so as not to endanger health or safety, with light having an intensity of not less than one footcandle at floor or grade level. In multiple dwellings containing not more than four (4) dwelling units or rooming units, there may be supplied convenient light switches controlling such a lighting system which may be turned on when needed. (Code 1960, As Amend., § 71.050; 78-Or-244, § 15, 11-22-78)

244.450. Screens. Every door opening directly from a dwelling unit or habitable room to outdoor space shall have supplied screens with a supplied self-closing device, and openable windows in each habitable room shall be supplied with a screen. Such screens shall have a mesh of not less than number fourteen (14) and shall be hung not later than May First of each year; provided, however, that such screens shall not be required in rooms located more than fifty (50) feet above ground level. Other such screening may be required by the director of inspections when deemed necessary for insect control or safety of persons. (Code 1960, As Amend., § 71.060; 78-Or-244, § 16, 11-22-78; Pet. No. 252271, § 15, 5-11-90)

244.460. Supplied heating to habitable rooms or parts thereof. Every owner or operator of any building who rents, leases or lets for human habitation any habitable room contained within such building on terms, either expressed or implied, to supply or furnish heat to the occupants thereof, shall maintain a minimum temperature of sixty-eight (68) degrees Fahrenheit, measured in accordance with section 244.430, in all such habitable rooms and bath and toilet rooms let in conjunction therewith, at all times between October first and April thirtieth. At all times between May first and fifteenth and between September fifteenth and thirtieth the minimum temperature required to be made capable of maintaining pursuant to this section shall be sixty-five (65) degrees Fahrenheit. (Code 1960, As Amend., § 71.070; 78-Or-244, § 17, 11-22-78; 2008-Or-039, § 3, 5-16-08)

244.470--244.480. Reserved.

ARTICLE VI. MAINTENANCE BY OWNER

244.490. Compliance required. No person shall occupy as owner-occupant or let or allow another to occupy any building or other structure or portion thereof, for the purpose of living therein, which does not comply with the requirements set forth in this article. (Code 1960, As Amend., § 72.010)

244.495. Defacement of property. (a) No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti.

- (b) It shall be the responsibility of the owner to restore said surface to an approved professional state of maintenance and repair.
- (c) The parent or guardian of the person of a minor, who is under the age of eighteen (18) that is living with the parent or guardian, and which minor violates the provisions of paragraph (a) of this section in regard to any property in the city, is liable for the payment of a civil fine of not more than one hundred dollars (\$100.00) for each offense based on the conduct of such minor. The civil fine provided for in this subparagraph is in addition to and not in lieu of any compensatory or other liability which may exist at law, by statute or pursuant to ordinance. (82-Or-106, § 15, 6-11-82; 2000-Or-076, § 1, 7-28-00)

244.500. Foundations, roofs, exterior walls and surfaces. (a) All exterior surfaces shall be of a material manufactured or processed specifically for use in such a weather-exposed location, including redwood and other naturally suitable materials, and every exterior wall, chimney, foundation and roof shall be reasonably weathertight, watertight and rodentproof; and shall be kept in a professional state of maintenance and repair. Exterior walls shall be maintained and kept free from dilapidation by cracks, tears or breaks or from deteriorated plaster, stucco, brick, wood or other material that is extensive and gives evidence of long neglect.

- (b) The protective surface on exterior walls of a building above ground level shall be maintained in good repair so as to provide a sufficient covering and protection of the structural surface underneath against its deterioration. Without limiting the generality of this section, a protective surface of a building shall be deemed to be out of repair if:
 - (1) The protective surface has paint which is blistered, cracked, flaked, scaled or chalked away, including window trim, cornice members, porch railings and other such areas;
 - (2) The pointing of any chimney or the pointing of any brick or stone wall is loose or has fallen out.
- (c) Any exterior surface or plane required to be repaired under the provisions of this section shall be repaired in its entirety.
- (d) No exterior wall of any dwelling or building accessory thereto shall have paint which is blistered, cracked, flaked, scaled or chalked away.
- (e) No person shall apply any paint on the exterior surface of any dwelling or building accessory thereto unless such paint contains less than 0.06 per cent lead. (Code 1960, As Amend., § 72.020; 78-Or-244, § 18, 11-22-78; 82-Or-106, §§ 2, 16, 6-11-82; 89-Or-151, § 1, 8-11-89; 94-Or-087, § 2, 7-1-94)

244.510. Interior. (a) Every interior partition, wall, floor, door, window, trim surface, radiator and ceiling shall be kept in a professional state of repair. In

other than owner-occupied dwellings such interior partitions, walls and ceilings shall be provided with an interior finish material specifically manufactured for, and intended to be used as, an interior finished surface. Walls, floors and ceilings that are required to be fire rated by new construction regulations shall be maintained and repaired to prevent a lowering of the resistance to fire or the spread of fire. In addition, maintenance and repairs to walls, floors and ceilings separating dwelling units, or dwelling units from public corridors or stairways shall be done in a manner which will not reduce the sound transmission class of such walls, floors or ceilings. Dwelling unit doors leading to communal, shared or public areas, when replaced, shall be replaced with an approved solid core door not less than one and three-eighths (1 3/8) inches in thickness. For the purposes of this section, professional state of repair shall apply to the repair and application of interior finishes. Interior finishes shall meet the flame spread classification set forth in Chapter 42 of the Building Code when such interior finishes are hereafter altered, refinished, repaired or replaced. Bathroom and toilet room floor surfaces shall be reasonably impervious to moisture.

- (b) No person shall apply any paint on the interior surface of any dwelling or dwelling unit, unless such paint contains less than 0.06 per cent lead.
- (c) No interior wall of any dwelling or building accessory thereto shall have paint which is blistered, cracked, flaked, scaled or chalked away. (Code 1960, As Amend., § 72.030; Ord. of 6-13-75, § 1; 78-Or-244, § 19, 11-22-78; 82-Or-106, §§ 2, 17, 6-11-82; 89-Or-151, § 1, 8-11-89; 94-Or-087, § 3, 7-1-94)

244.520. Rainwater drainage. All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings, or floors of any portion of the dwelling or of any adjacent building or structure. Gutters and downspouts, if provided, shall be kept in a professional state of repair and in compliance with the provisions of section 244.500. (Code 1960, As Amend., § 72.040; 78-Or-244, § 20, 11-22-78; 82-Or-106, § 2, 6-11-82; 90-Or-174, § 1, 6-29-90)

244.530. Windows, exterior doors, hatchways. Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof; and shall be kept in a professional state of maintenance and repair. Every exterior window or door of habitable rooms, bath and toilet rooms shall be supplied with a storm window or storm door or the equivalent for ventilation, light and insulation. Unless otherwise provided for by written agreement, the owner or operator shall install such storm windows and storm doors not later than November first of each year. Such written agreements shall be applicable only to one- and two-family dwellings. All exterior doors of dwellings, except those which are required to be outswinging based on occupant load, shall be provided with a storm door unless the principal door has an "R" value of two (2) or more. The following energy conservation measures are required:

- (1) Install weatherstripping between exterior operable window sash and frames and between exterior doors and frames.

Exception: Weatherstripping not required on storm doors or storm windows.

- (2) Caulk, gasket or otherwise seal exterior joints between foundation and rim joist, around window and door frames, between wall and roof, between wall panels, at penetrations for utility services through walls, floors, and roofs and all other openings in the exterior envelope. (Code 1960, As Amend., § 72.050; 78-Or-222, § 1, 10-27-78; 80-Or-051, § 1, 4-11-80; 82-Or-106, § 2, 6-11-82; 83-Or-109, § 2, 5-13-83; 83-Or-273, § 1, 11-10-83; 85-Or-056, § 1, 3-8-85)

244.540. Shades, drapes. Every window of every room let to another for sleeping purposes and the windows of bath and toilet rooms used in conjunction with such sleeping rooms shall be supplied with shades, draw drapes, or other devices or materials which when properly used will afford privacy to the occupant of the room. However, upon written agreement of the owner and the occupant, separate from other lease agreement, said shades, drapes or devices need not be provided. (Code 1960, As Amend., § 72.055; Ord. of 8-10-73, § 1; 82-Or-106, § 18, 6-11-82)

244.550. Stairways and porches. (a) [*Construction and maintenance generally; live load.*] Every inside and all outside stairways , every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in a professional state of maintenance and repair. Normal use live load shall be the uniform load as set out in the state building code, one hundred (100) pounds per square foot.

- (b) [*Handrails.*] Every inside and all outside stairways that have four (4) or more risers shall have at least one (1) handrail, and all such stairways which are forty-four (44) inches or more in width, or which are open on both sides, shall have a handrail on each side. If a stairway is open on one (1) side, the required handrail shall be placed on the open side, when required by the director of inspections. Stairways required to be more than eighty-eight (88) inches in width shall be provided with an intermediate handrail. However, only one (1) handrail shall be required when such an outside stairway serves a one- or two-family dwelling and the stairway is not more than forty-two (42) inches above the adjacent surface. All handrails shall be not less than thirty (30) inches nor more than thirty-four (34) inches vertically above the nose of the stair treads or stairway platforms.
- (c) *Exception.* Outside stairways attached to owner-occupied single-family dwellings are exempt from the handrail requirements of this section unless such outside stairways are more than forty-two (42) inches above the adjacent surface or are remodeled pursuant to a permit as required by Chapter 89 of this Code of Ordinances.
- (d) [*To be kept clean of snow, etc.*] Required means of egress that are exposed to the elements shall be kept clear at all times of rubbish, snow, ice or other obstructions when such egress serves a multiple dwelling. (Code 1960, As Amend., § 72.060; 78-Or-244, § 21, 11-22-78; 82-Or-106, §§ 2, 19, 6-11-82;

2009-Or-093, § 1, 9-18-09)

Cross references: Handrails on egress stairways, § 244.960 (f), (g).

244.555. Guardrails. All accessible doorways, unenclosed floor and roof openings, open stairs, porches, balconies, walkways and landings which are more than thirty (30) inches above grade or the surface below shall be protected by an approved guardrail. The guardrail shall be not less than thirty-six (36) inches in height and, when in the opinion of the director of inspections, it is necessary to protect the public safety, intermediate rails, balusters, or other approved members shall be provided so that no object nine (9) inches in diameter can pass through the guardrails. New installations or replacements of guardrails shall be in compliance with the state building code. (78-Or-244, § 22, 11-22-78; 82-Or-106, § 20, 6-11-82)

244.560. Plumbing fixtures. Every supplied plumbing fixture and all water and waste pipes shall be installed in a nonhazardous manner and maintained free from defects, leaks or obstructions. Water closets shall be provided with seats which can be maintained in a sanitary condition. (Code 1960, As Amend., § 72.070; 78-Or-244, § 23, 11-22-78)

244.570. Bathroom and toilet floors. Every toilet room floor and bathroom floor shall be so constructed and maintained as to be reasonably impervious to moisture and all such floor and floor coverings shall be kept in a clean and sanitary condition. (Code 1960, As Amend., § 72.080; 78-Or-244, § 24, 11-22-78)

244.580. Supplied facilities. Prior to leasing, the owner shall notify the tenant in writing of any metered utility service paid exclusively by said tenant which serves any area not leased and controlled by the tenant. Such notification shall be in a type size as large as elite, twelve (12) characters per inch. Every supplied facility, piece of equipment, or utility which is required under the housing maintenance code shall be so constructed and installed that it will function safely and effectively, and shall be kept in a professional state of maintenance and repair. Appliances used for cooking, air conditioning or refrigeration, when supplied by the lessor, shall be installed and maintained so they will function safely and effectively. (Code 1960, As Amend., § 72.090; Ord. of 2-22-74, § 1; 78-Or-244, § 25, 11-22-78; 82-Or-106, §§ 2, 21, 6-11-82)

244.590. Discontinuance of required services. (a) No owner or operator shall cause any service, facility, equipment or utility which is required to be supplied under the housing maintenance code to be removed, shut off, or discontinued in any occupied rooming unit, hotel unit, dwelling or dwelling unit let or occupied by said owner, or operator, except for such temporary interruption as may be necessary while actual repairs, replacements or alterations are in process of being made.

- (b) An administrative fee of fifty dollars (\$50.00) shall be charged to the bill payer of a property where water services have been shut off for a period of forty-eight (48) hours for non-payment. An additional one hundred dollars (\$100.00) administrative fee shall be charged to the bill payer of a property where the property is placarded with a letter of intent to condemn for lack of utilities resulting from the water services being shut off for non-payment.
- (c) Administrative fees charged for water shut off for non-payment shall be added to the property's utility services bill as set forth in section 509.870.

Utility companies supplying service through a single meter to equipment or facilities that are required by the housing maintenance code shall post, on or near the front and rear entrances of a multiple dwelling or duplex containing such equipment or facilities, a notice of delinquency in payment of utility bills after the utility bills are sixty (60) days in arrears, or a notice of intent to discontinue such service for failure to pay utility bills not less than fifteen (15) calendar days prior to the actual discontinuance of the service. Said notice shall inform tenants of their right to make rent payments directly to the utility company. When the discontinuance of the service is done by said utility, they shall notify the director of inspections' authorized designee, the supervisor of housing, either by mail, phone, or hand delivery within forty-eight (48) hours after the discontinuance of the service.

After a utility company has posted either notice described above, the tenants in the building may pay any rents owing to the owner or operator of the building directly to the utility company. The utility company shall make available to any requesting tenant or tenant's representative the utility account of the multiple dwelling or duplex housing which has been posted pursuant to this article. Any such payment shall be considered a reduction of rent owed by the tenant and a reduction of the utility bill owed by the owner or operator of the building.

A utility company shall not discontinue service if it has received payments from the tenants sufficient to:

- (1) Cover one hundred (100) per cent of the current bill and one-third (1/3) of the past-due bill within thirty (30) days after posting the original notice.
- (2) Cover one hundred (100) per cent of the current bill and two-thirds (2/3) of the past-due bill within sixty (60) days after posting the original notice.
- (3) Cover one hundred (100) per cent of the current bill and one hundred (100) per cent of the past-due bill within ninety (90) days after posting the original notice.

The utility company may discontinue service without further notice if it has not received the payments specified above.

No person shall deface or remove any notice posted by a utility company pursuant to this section. Such notice shall be removed only by the utility company which posted the notice or with its consent.

For the purposes of this section only, the term "utility company" shall include the water and sewer department of the City of Minneapolis. (Code 1960, As Amend., § 72.100; Ord. of 5-10-74, § 1; 78-Or-144, § 1, 8-11-78; 81-Or-304, § 1, 12-28-81; Pet. No. 252271, § 16, 5-11-90; 91-Or-144, § 1, 7-26-91; 2006-Or-136, § 1, 11-17-06)

244.600. Pest extermination. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for the extermination of insects, rodents, vermin or other pests on the premises. Whenever infestation exists in any dwelling, or in the shared or public parts of any building containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner. The director of inspections may order the extermination done by a person licensed to do such work by the provisions of Chapter 325 when in the director's opinion the infestation is widespread and severe. (Code 1960, As Amend., § 72.110; 2008-Or-024, § 2, 4-4-08)

Cross references: Pest and vermin control generally, Ch. 229.

244.610. Cleanliness of public areas. Every owner of a dwelling containing three (3) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the communal, shared or public areas of the dwelling and premises thereof. (Code 1960, As Amend., § 72.120; 78-Or-244, § 26, 11-22-78)

244.620. Vacant dwelling units. No owner shall occupy or permit any other person to occupy any vacant dwelling unit, rooming unit or hotel unit, unless it is clean, sanitary and complies with all provisions of the housing maintenance code. The owner of any dwelling shall be responsible for the removal of all garbage, rubbish and other discarded debris left on the premises where the dwelling unit is vacant. (Code 1960, As Amend., § 72.130)

244.630. Hanging of screens. Every owner of a dwelling let to another shall be responsible for hanging all screens whenever the same are required under the provisions of this code. Screens shall be hung not later than the first day of May of each year. This provision shall not preclude the owner and tenant from agreeing by written contract to have said tenant hang the screens as required above for other than multiple dwellings. Nothing in this section shall be construed to prevent the owner from engaging a tenant, caretaker or any person from hanging the screens for remuneration. (Code 1960, As Amend., § 72.140; 78-Or-244, § 27, 11-22-78)

244.640. Prohibited uses. No person shall use or permit the use of any dwelling or any building or any lot or premises in a residence or multiple-dwelling district as defined in the zoning ordinance for any use not permitted by said zoning ordinance. (Code 1960, As Amend., § 72.150)

Cross references: Zoning ordinance, Title 20.

244.650. Numbering units. All habitable units let to another in a multiple dwelling shall be numbered or lettered in an approved and conspicuous manner on each passage door leading from such unit. All passage doors from each unit shall have the same number or letter and no two (2) units shall bear the same number or letter. (Code 1960, As Amend., § 72.180; 78-Or-244, § 28, 11-22-78;

82-Or-106, § 22, 6-11-82)

Cross references: Numbering of buildings, Ch. 435.

244.655. Mailboxes. Every owner shall provide a suitable mail deposit box for each rental unit. Such mail deposit box shall be approved by the United States Postal Service. (82-Or-106, § 23, 6-11-82)

244.660. Changing or altering locks. No person shall change or alter any keyed lock, or place such a new lock on the entrance of a dwelling unit without first providing the tenant or owner of that dwelling unit with a suitable functional key to operate such a lock. A tenant shall obtain permission of the owner, in writing, before installing permanent locks. (Code 1960, As Amend., § 72.190; Ord. of 3-27-75, § 1; 78-Or-244, § 29, 11-22-78; 82-Or-106, § 24, 6-11-82)

244.670. Doorbells or buzzers. Every multiple dwelling of four (4) or more dwelling units or ten (10) or more rooming units shall be equipped with an operable system of bells, buzzers or other signaling devices which operate from the exterior of a locked entryway and signal either within each dwelling unit and rooming unit or in the hallway or common area of each floor of the building. (82-Or-002, § 1, 1-15-82; 82-Or-106, § 25, 6-11-82; 86-Or-024, § 1, 2-14-86)

244.675. Secured egress and ingress to be provided for certain multiple dwellings. All multiple dwellings containing four (4) or more dwelling units or ten (10) or more rooming units existing now or hereafter created shall provide the following security measures: all doorways leading to the exterior or to an exterior vestibule or entry must be secured by a locking device approved by the director of inspections. The locking devices provided for required egress doorways shall be of a type that will engage and lock automatically when the door is in the closed position within the frame provided. Further, locks on such required egress doors shall be openable from the exterior by the use of a key or other approved device. All doors, whether required egress doors or auxiliary, shall be openable from the inside without the use of a key or any special knowledge or effort.

All locking devices required by this section shall be kept in a professional state of maintenance and repair. The security locks and devices required by this section shall be provided not later than January 1, 1987. However, when, in the opinion of the director of inspections, conditions exist which warrant the installation of said security devices and locks within a shorter time period than previously set out, the director shall be empowered to order and secure the installation of such security and locking devices within a reasonable time period. (86-Or-024, § 2, 2-14-86)

244.680. City of Minneapolis rental property energy efficiency standards. The State of Minnesota Rules for the Department of Energy and Economic Development, Sections 0100, 4100, and 4105 of Chapter 4170 are hereby incorporated in this title as fully as if set forth herein and shall be in force and effect as the City of Minneapolis rental property energy efficiency standards.

Section 1710 of Chapter 4170 is also adopted for guidance in the enforcement of the aforementioned rules. Upon request, by complaint, or when in the opinion of the director of inspections an energy audit is warranted, the Minneapolis Energy Office shall conduct a determination of status to determine whether or not buildings are in compliance with the aforementioned rental energy efficiency standards and shall charge a fee not to exceed twenty-five dollars (\$25.00) for each determination of status conducted. (85-Or-056, § 2, 3-8-85; 85-Or-126, § 1, 6-28-85; Pet. No. 252271, § 17, 5-11-90)

244.685. Certificate of compliance. If the building is determined to be in compliance with the rental energy standards, the energy office shall issue a certificate of compliance to the building owner and shall charge a processing fee not to exceed twenty-five dollars (\$25.00) for the issuance of the certificate. Such certificate shall be nonexpiring and be in effect until such time as the building is found to be in noncompliance with the City of Minneapolis rental property energy efficiency standards. (85-Or-056, § 3, 3-8-85; 85-Or-126, § 2, 6-28-85)

ARTICLE VII. MAINTENANCE BY OCCUPANTS

244.690. Cleanliness. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling unit, and premises thereof which that person occupies or controls. (Code 1960, As Amend., § 74.010; Pet. No. 252271, § 18, 5-11-90)

244.695. Residential storage standards. (1) *Findings.* The City Council of Minneapolis finds as follows:

- (a) That the storage of large amounts of materials in residences and the disorganized storage of materials in residences has become an important problem in the City of Minneapolis.
- (b) That the storage in residences of newspapers, clothing, and many other kinds of materials in large quantities upon the floor or in large piles can serve as habitat and a refuge area for rats and other rodents.
- (c) That the storage of large amounts of material in a residence and the storage of material on the floor can provide a harborage for cockroaches and many other kinds of arthropods and other pests.
- (d) That the disorganized storage of large amounts of material in residences can increase the risk of injury to firefighters, increase the risk of fires or increase the magnitude of fires and increase the difficulty of rescue in the City of Minneapolis.
- (e) That residences that have large amounts of materials stacked within them prevent firefighters from adequately finding their way when the building is involved in a fire and prohibit the firefighters from reasonable access to doors, windows, walls, and heating appliances within the dwellings and make it difficult to easily move firefighting and rescue equipment through

the residence.

- (f) That it is beneficial to the public safety to regulate the manner and quantity of storage within residences in the City of Minneapolis for the purpose of protecting the public health from infestations of rodents, arthropods and other pests and also to protect the public health from the increased danger of fire, the increased magnitude of fire, or the increased risk of harm to firefighters attempting to make sure a residence is unoccupied.
- (g) That the risk of spreading disease is increased by the storage of large amounts of materials in dwellings without providing adequate means of self inspection for pests.
- (h) That storage of large amounts of materials in residences and the disorganized storage of materials in residences poses a danger to residents therein as a result of infestation by pests, increased fire hazard, and blockage of rescue equipment.

(2) *Purpose.*

- (a) The purpose of this ordinance is to regulate the storage of materials within residences for the purpose of protecting the public health and the public safety.
- (b) A more specific purpose is to prevent the infestation or spread of rodents, arthropods, and other pests by providing storage standards that allow for thorough inspection of rooms within residences by those who reside therein or others and by providing storage standards which limit the amount of materials that can be stored on floors or in piles and thereby make themselves a more likely harborage for rodents, arthropods, and other pests.
- (c) It is also the purpose of this ordinance to regulate storage so as to protect firefighters and minimize the risk of fire and the magnitude of fire as a result of materials that are stored within residences. It is the purpose of these regulations to so restrict the storage of material in residences so firefighters can be assured of access to doors, windows and walls and access throughout the residence when they enter the residence in a fire situation and it is the purpose [of these regulations] to minimize the large stacks of materials kept together within a residence that can be a source of intense heat and also the source of a fire.
- (d) It is recognized in enacting this ordinance that lots in the City of Minneapolis are sometimes narrow and neighbors are sometimes separated by only a few feet. Therefore, it is also the purpose of this ordinance to regulate storage standards within a residence for the benefit of the health and welfare of adjoining neighbors and other members of the community who would suffer as a result of infestation or fire within a residence.

(3) *Application.* This section applies to any dwelling as well as appurtenant porches, decks, and stairways whether or not enclosed and to garages which are an accessory use to the dwelling.

(4) *Storage standards.* With the exceptions noted herein; other than furniture, all wood products, paper and paper products, clothing, bedding, towels, linens, tablecloths, drapes, area rugs, maintenance supplies, and additionally, all materials of any kind which are flammable or which may be subject to infestation by rodents or arthropods or other pests, shall when not in actual use, at a minimum and in addition to all other requirements imposed by law, meet each of the following storage standards:

- (a) All materials must be stored off the floor in shelves, cabinets, or other sturdy storage device not made of paper or paper products.
- (b) Storage of materials shall not impede free access to all walls, windows, doors, and heating and other fixtures.
- (c) Each shelf, cabinet, or other sturdy storage device other than built-in storage devices shall have such free space around it so access without moving the material can be obtained and a visual inspection made for combustibility, rodents, arthropods and other pests, and other health and safety hazards.
- (d) No area being used for storage of such materials shall have a row of shelves, cabinets, or other sturdy storage devices with such materials stored thereon that is more than three (3) feet across at any point along the narrowest horizontal dimension. Each such row shall be at least three (3) feet from any other such row. Free access by foot shall be available to all materials.

(5) *Exceptions.* The storage standards imposed by this section shall not apply to:

- (a) The period thirty (30) days before and thirty (30) days after an actual change of principal residence by the owner of the subject materials;
- (b) The first four (4) cubic feet of subject materials in each room, porch or deck. In order to be counted as a separate room, for the purposes of this section, the enclosed area involved must be able to be closed off completely from other rooms of the dwelling.
- (c) The first one hundred and sixty (160) cubic feet of subject materials in any garage.
- (d) The first two hundred and fifty (250) cubic feet of subject materials in any attic or basement room not ordinarily used or designed for human activity other than storage. In order to be counted as a separate room, for the purposes of this section, the enclosed area involved must be able to be closed off completely from other rooms of the dwelling.

(6) *Misdemeanor - burden of production.* Violation of any provision of these storage standards is a misdemeanor. The defendant in a criminal case shall have the initial burden of production of evidence as to exception (a). (91-Or-240, § 2, 12-6-91)

244.700. Disposal of solid waste. Every occupant of a dwelling or dwelling unit shall dispose of all solid waste in a clean and sanitary manner by placing it in the containers required by section 244.350 of this Code. Occupants shall place their solid waste only in containers that have been assigned to their dwelling or dwelling units, either by the city pursuant to section 225.600, or by a private solid

waste hauler contracted to provide collection service to a building. Failure to comply with this requirement shall constitute a violation of this section.

Prior to placement in the containers required by section 244.350, solid waste may be stored within the dwelling, but only temporarily. It shall be stored in sturdy baskets or containers which are not made of paper or paper products and which will be consistent with the other requirements of city ordinances. The amount of solid waste temporarily stored shall not exceed three (3) cubic feet of volume in any one room. In order to be counted as a separate room for the purposes of this section, the enclosed area involved must be able to be closed off completely from other rooms of the dwelling. The term "temporarily" as used in this section means for a period not to exceed nine (9) calendar days. (Code 1960, As Amend., § 74.020; Pet. No. 252271, § 19, 5-11-90; 91-Or-240, § 3, 12-6-91; 96-Or-047, § 3, 5-24-96)

244.710. Reserved.

Editor's note: Ord. No. 96-Or-047, § 4, adopted May 24, 1996, repealed § 244.710, which pertained to disposal of garbage. See the Code Comparative Table.

244.720. Use of storm windows and operation of mechanical system controls. Every occupant of a dwelling supplied with storm windows and doors shall use the storm windows and doors provided in a reasonable and energy-saving manner. This shall include the proper utilization of combination storms supplied by the owner during the periods of time when it is necessary to heat the dwelling unit. Every occupant shall also operate all mechanical system controls intended to be operated by the occupant in a reasonable and energy efficient manner. The definition of "reasonable and energy efficient" shall recognize the unique needs of the building occupants and the level of comfort in the dwelling unit. The occupant shall not adjust mechanical system controls not intended to be operated by the occupant, nor take any actions which impair the operation of the mechanical systems. (Code 1960, As Amend., § 74.060; 78-Or-244, § 30, 11-22-78; 82-Or-106, § 26, 6-11-82; 85-Or-056, § 4, 3-8-85)

244.730. Extermination of pests. The occupant or occupants of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, vermin or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination within the unit so occupied whenever that dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this section, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling in a rodentproof condition, extermination of such rodents shall be the responsibility of the owner. (Code 1960, As Amend., § 74.070; Pet. No. 252271, § 21, 5-11-90)

Cross references: Pest and vermin control, Ch. 229.

244.740. Supplied plumbing fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein clean and sanitary and shall be

responsible for the exercise of reasonable care in their proper use and operation. (Code 1960, As Amend., § 74.080)

244.750. Plumbing fixtures or appliances furnished by occupant. Every plumbing fixture or appliance furnished by the occupant shall be properly installed and shall be maintained in good working condition, shall be clean and sanitary, and free from defects, leaks or obstructions. (Code 1960, As Amend., § 74.090; 78-Or-244, § 31, 11-22-78)

244.760. Damaging property. No person shall willfully or wantonly damage, mutilate or deface any part of residential real estate, supplied fixtures, equipment, including smoke detectors, furnishings or any other property of another. (Code 1960, As Amend., § 74.100; 82-Or-106, § 27, 6-11-82)

244.770. Composting. (a) *Defined.* For the purposes of this article, composting is a microbial process that converts plant materials to a usable organic soil amendment or mulch.

- (b) *Compost containers.* Composting shall be conducted within an enclosed container(s) not to exceed five-feet by five-feet by five-feet for lots less than five thousand (5,000) square feet, two (2) five-foot by five-foot by five-foot container(s) for lots five thousand (5,000) to ten thousand (10,000) square feet, and three (3) five-foot by five-foot by five-foot container(s) for lots greater than ten thousand (10,000) square feet. Containers shall be of a durable material; including, but not limited to, sturdy woven wire fencing, rot-resistant wood, or a commercially purchased composting unit which will provide for adequate aeration. Containers shall be constructed and maintained in a structurally sound manner.
- (c) *Location on property.* The compost container(s) shall be located in the rear yard no closer than one foot to any rear or side property line nor closer than twenty (20) feet to any habitable building, other than the resident's own home.
- (d) *Compost materials.* Only grass clippings, leaves, weeds that have not gone to seed, nondiseased plants, trimmings less than one-fourth inch in diameter, straw, sawdust, wood ashes, fruit or vegetable scraps, coffee grounds, eggshells, and commercially available compost ingredients may be placed in the compost container(s). Meat, bones, fat oils, grease, dairy products, feces, plastics or synthetic fibers shall not be placed in the compost container(s).
- (e) *Maintenance.* Compost materials shall be layered, aerated, moistened, turned, managed and covered during inclement weather to promote effective decomposition of the materials in a safe, secure and sanitary manner.
- (f) *Abatement.* All compost containers and/or compost materials not in compliance with this section shall be declared a public nuisance and are subject to abatement as provided in Chapter 227 of this Code. (90-Or-245, § 1, 9-28-90)

244.780. Reserved.

ARTICLE VIII. SPACE, USE AND LOCATION

244.790. Compliance required. No person shall occupy or let or allow another to occupy any building or other structure for the purpose of living therein which does not comply with the requirements set forth in this article. (Code 1960, As Amend., § 73.010)

244.800. Ceiling height. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of seven (7) feet. However, in dwellings one (1) story and attic in height, attic type bedrooms may be located above the first floor of each dwelling unit if such attic type bedrooms have a minimum ceiling height of not less than seven (7) feet over fifty (50) percent of its floor area and shall be provided with a stairway in full compliance with the building code. The floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof. (Code 1960, As Amend., § 73.020; 2009-Or-093, § 2, 9-18-09)

244.810. Required space in dwelling units. Every dwelling unit shall contain a minimum superficial floor area of not less than one hundred fifty (150) square feet for the first occupant, seventy (70) additional square feet for the second occupant and one hundred (100) square feet for each additional occupant in excess of two (2). The floor area shall be calculated on the basis of the total habitable floor area of all habitable rooms. Single room dwelling units shall not be occupied by more than four (4) persons. Rooms used exclusively for sleeping purposes shall have the following minimum superficial floor area, seventy (70) square feet for one person, ninety (90) square feet for two (2) persons and the required superficial floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2). However, occupancy of a sleeping room shall not exceed four (4) persons. Habitable rooms having a multiple use shall have not less than one hundred fifty (150) square feet of superficial floor area. Other habitable rooms shall have not less than seventy (70) square feet of superficial floor area, except kitchens. No habitable room other than a kitchen shall be less than seven (7) feet in any dimension.

Multiroomed dwelling units, when let to another, shall include a kitchen room. The floor area of such required kitchen room is not to be included when calculating floor area for the purposes of determining occupant load. (Code 1960, As Amend., § 73.030; 82-Or-107, §§ 28, 37, 6-11-82)

244.820. Dwelling unit to be occupied by one family. No dwelling unit shall be occupied by more than one family. However, unrelated persons may occupy a dwelling unit when such occupancy is permitted and authorized.

When, in the opinion of the director of inspections, it is necessary for the protection of the health, safety and welfare of the occupants, the owner or agent of

dwelling units let to another may be required to post in a conspicuous place, with a transparent cover, a card issued by the director of inspections setting forth the maximum number of persons who may lawfully occupy such a dwelling unit. Said card shall be posted inside the dwelling unit at eye level on, or within four (4) feet of, the main entrance door. (Code 1960, As Amend., § 73.040; 78-Or-244, § 32, 11-22-78; 82-Or-106, § 29, 6-11-82; Pet. No. 252271, § 22, 5-11-90)

244.830. Arrangement of rooms. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or toilet room intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or toilet room. Such arrangement which existed prior to November 2, 1920 are excepted from this section. (Code 1960, As Amend., § 73.050)

244.840. Cellar space not habitable. No cellar space shall be used as a habitable room or dwelling unit, except such cellar space which now, or at the time of its habitation, conformed with the applicable building code provisions regulating the use of such space. (Code 1960, As Amend., § 73.060; 78-Or-244, § 33, 11-22-77)

244.850. Basement space may be habitable. No basement space shall be used as a habitable room or dwelling unit unless:

- (a) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;
- (b) The total window area in each room is equal to at least the minimum window area sizes as required in section 244.410;
- (c) The total openable window area or mechanical ventilation in each room is equal to at least the minimum as required under section 244.410. (Code 1960, As Amend., § 73.070)

244.860. Access to sanitary facilities. No owner or operator shall restrict an occupant in use of the toilet, hand lavatory, or bath or hinder in the reasonable use thereof. (Code 1960, As Amend., § 73.080; Pet. No. 252271, § 23, 5-11-90)

244.870--244.880. Reserved.

ARTICLE IX. FIRE PROTECTION*

***Cross references:** Fire protection generally, Ch. 173.

244.890. Compliance required. No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, dwelling unit, tenement house, rooming house, rooming unit, hotel or hotel unit, lodging house or lodging unit which does not comply with the applicable fire prevention provisions of this Ordinance Code and the following additional standards for safety from fire. (Code 1960, As Amend., § 75.010)

244.900. Open fires. No person shall set or maintain any open fire, or knowingly furnish the materials for any such fire, or authorize any such fire to be set, kindled or maintained on or in any street, alley, lot, land or public or private grounds within the city, except as permitted by the provisions of Chapter 47 of this Code of Ordinances. (Code 1960, As Amend., § 75.020)

244.910. Vacant dwellings. The owner of any dwelling in the city, whenever the same becomes vacant or unoccupied shall remove therefrom all papers or other combustible waste materials accumulated therein, and shall securely close and keep closed all doors, windows or other openings into such building while the same remains unoccupied. (Code 1960, As Amend., § 75.030)

Cross references: Vacant buildings generally, § 87.150.

244.915. Fire warning system. (a) Every hotel or motel sleeping room, and every dwelling unit, shared bath unit and rooming house shall be provided with an approved smoke detector as set out in this chapter. Single and multiple station smoke alarms shall be installed in the following locations:

- (1) Outside of each separate sleeping area in the immediate vicinity of the bedrooms.
 - (2) On each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one (1) full story below the upper level.
- (b) All smoke alarms shall be listed and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72.
 - (c) All smoke detectors shall be installed per the manufacturer's installation instructions and its listing. Hard-wired smoke detectors shall be wired to a proper unswitched circuit.
 - (d) Smoke alarms and smoke detectors shall not be located closer than three (3) feet from any door to a bathroom or kitchen. Smoke alarms and smoke detectors that are located within twenty (20) feet of a cooking appliance shall be equipped with a silencing switch or be of the photoelectric type in accordance with National Fire Protection Association Standard 72, Section 8-1.4.2.
 - (e) When interior alterations, repairs or additions requiring a permit occur, or when one (1) or more sleeping rooms are added or created in existing dwellings, the

individual dwelling unit shall be provided with smoke alarms located as required for new dwellings; the smoke alarms shall be interconnected and hard wired. Exception: smoke alarms in existing areas shall not be required to be interconnected and hard wired where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure. (77-Or-017, § 1, 1-28-77; 78-Or-244, § 34, 11-22-78; 79-Or-109, § 1, 5-25-79; 80-Or-070, § 1, 4-25-80; 82-Or-106, § 30, 6-11-82; 2004-Or-025, § 1, 3-19-04)

244.916. Prohibited sale. It shall be unlawful for any person to sell within the City of Minneapolis any smoke detector unless said detector meets the standards set out within this chapter. A "UL" label indicating the smoke detector is listed as a fire alarm device shall be satisfactory evidence the detector meets the requirements of this chapter. (77-Or-017, § 1, 1-28-77)

244.920. Fire extinguishers. (a) [*When required; location.*] In all multiple dwellings having three (3) or more dwelling units and in all dormitories, convents, monasteries, hotels, lodging or rooming houses, fraternity and sorority houses, or in other similar buildings containing more than ten (10) sleeping rooms or occupied by more than twenty (20) persons, there shall be supplied on each floor, including the basement or cellar, one fire extinguisher for every six thousand (6,000) square feet of floor area or fraction thereof. All hand fire extinguishers shall be conspicuously and conveniently located so that the extinguisher is not more than five (5) feet, nor less than two (2) feet, above the floor in public halls or corridors and so maintained as to be in good working condition at all times. Providing that in no case shall the occupant of any dwelling or rooming unit have to travel more than seventy-five (75) feet from the entrance of the occupant's unit to reach a fire extinguisher. Fire extinguishers shall be a minimum of Class 2A-10BC or an equivalent approved by the fire department.

(b) [*Portable extinguishers.*] Whenever portable fire extinguishers are required by this code, the person who owns or controls such extinguisher shall comply with the following: A portable stored pressure fire extinguisher equipped with pressure indicators or gauge shall be inspected and maintained by a licensed serviceworker not less than once every two (2) years. All other portable fire extinguishers shall be serviced or recharged not less than once each year. All such fire extinguishers shall meet all requirements and specifications as set forth in National Fire Protection Association Pamphlet No. 10, Installation of Portable Fire Extinguishers, copies of which are on file in the offices of the city clerk and the fire department.

(c) [*Discontinuance of inverted-type extinguishers.*] The use of inverted-type fire extinguishers shall be discontinued and they shall be discarded. "Inverted-type fire extinguisher" means all fire extinguishers that require the device to be turned upside down to be activated. This includes soda acid, foam, water cartridge and loaded stream cartridge fire extinguishers. No person shall hydrostatically test any inverted-type fire extinguisher.

(d) [*Tampering with or removal.*] No person shall tamper with, meddle with, remove, empty, damage or destroy any extinguisher except in the event of fire or

authorized inspection. (Code 1960, As Amend., § 75.040; 78-Or-244, § 35, 11-22-78; Pet. No. 252271, § 24, 5-11-90; 92-Or-176, § 1, 12-18-92)

244.930. Flammable liquids. Class I flammable liquids shall not be stored in any hotel, rooming house, lodging house or any dwelling in quantities exceeding one gallon. All such flammable liquids of one gallon or less shall be stored in sealed metal containers or safety cans not exceeding one gallon capacity and only one such container shall be allowed in each unit, as set out herein. Paints, varnishes and similar products used for decorating therein shall be stored in sealed metal containers. No Class I flammable liquids shall be stored in a basement. This provision shall apply to all containers of Class I flammable liquids including those which may be a part of any motor-driven device or vehicle. Storage of larger amounts of Class I flammable liquids in metal cabinets, approved by the fire marshal, may be permitted. (Code 1960, As Amend., § 75.050; 78-Or-244, § 36, 11-22-78; 82-Or-106, § 31, 6-11-82)

244.940. Attic rooms. In dwellings erected prior to May 15, 1959, dwelling units and rooming units may be located in the attic of a dwelling that is not more than two (2) stories and attic in height, provided that the following conditions are complied with:

- (a) The attic shall have a habitable floor area exceeding fifty (50) per cent of the floor below.
- (b) The required egress stairways shall be located inside the confines of the dwelling and shall be enclosed with materials having a one-hour fire-resistant rating and self-closing fire doors separating each floor. The one-hour fire-resistant rating for materials enclosing said egress stairway shall be as specified in "Methods of Fire Tests of Building Construction and Materials" (ASTM Designation: E119) of the American Society for Testing and Materials, on file and of record in the office of the city clerk and in the office of the director of inspections. The required self-closing fire doors shall be constructed of Type B construction.
- (c) At least one-half of the floor area of every habitable room shall have a ceiling height of seven and one-half (7 1/2) feet.
- (d) There shall be compliance with all the provisions of the zoning code and all other provisions of the housing maintenance code. (Code 1960, As Amend., § 75.060; 78-Or-244, § 37, 11-22-78)

244.945 Restricted attic use. The use of the attic in a two-story and attic dwelling situated in the Residence District as designated by the zoning code shall be confined strictly to the use of the family or families occupying the first and/or second floors of such dwellings. Such attics shall not be occupied by more than three (3) persons. (78-Or-244, § 38, 11-22-78)

244.950. Heating plants. In all multiple dwellings not of Type I or II construction (as the term Type I or II construction is defined in the building code) and over two

(2) stories and basement in height or containing more than four (4) dwelling units on any floor above the first floor or containing more than ten (10) sleeping rooms on any floor above the first floor of such building, the heating plant shall be separated from the rest of the building by not less than a one-hour fire-resistive occupancy separation as defined in the building code or in lieu thereof a sprinkler system approved by the chief of the fire department. (Code 1960, As Amend., § 75.070)

244.960. Egress. Dwellings erected after July 1, 1972, shall have and shall maintain the egress facilities required by the Minnesota State Building Code at the time of erection. Dwellings existing prior to July 1, 1972, shall be provided with egress facilities as required by said Minnesota State Building Code or in compliance with the following regulations: Every habitable unit shall have a safe unobstructed means of egress. Every dwelling unit located above the first floor and every rooming house where three (3) or more roomers occupy one or more rooming units or hotel units located above the first floor and every basement dwelling or hotel unit shall have at least two (2) independent egress stairways which shall be located remote from each other, and one of such stairways shall be an inside stairway. Every such egress shall comply with the following requirements:

- (a) Every dwelling with an occupant load of ten (10) persons or fewer shall have one approved means of egress. Dwellings located on the second story shall have at least one approved means of egress if the occupant load of the entire story does not exceed ten (10) persons. Second stories having an occupant load of more than ten (10) persons and all other stories and basements shall have not less than two (2) approved means of egress. Exception: Only one approved means of egress shall be required from a basement within an individual dwelling unit when the occupancy load of such basement is ten (10) or fewer.
- (b) All required egress stairs shall be easily accessible from every dwelling or dwelling unit without passing through any room other than public, shared or communal areas. Egress shall lead directly to grade, and such grade shall have an unobstructed path of travel to a public way.
- (c) All inside egress stairways located in multiple dwellings more than two (2) stories in height shall be enclosed with materials and doors approved and acceptable to the director of inspections now or at the time of their installation or materials having a one-hour fire-resistant rating with self-closing doors rated as Type B. The rated materials and doors shall be tested and approved and listed as such in the files of the director of inspections. Smoke barriers of record, approved by the director of inspections and the city fire marshal, shall be deemed an acceptable alternate and be allowed to remain and be maintained.
- (d) The minimum width of all required egress stairways shall be thirty-six (36) inches measured at the face of the tread. Private stairways serving an occupancy of fewer than ten (10) persons may be thirty (30) inches wide.
- (e) Risers of stairs serving habitable space shall not exceed eight (8) inches

in height and the treads shall be not less than nine (9) inches in depth. Stair nosing shall not project more than one inch.

- (f) All stairways which have four (4) or more risers, inside or attached to a dwelling shall have at least one handrail. All such stairways which are required to be forty-four (44) inches or more in width or which are open on both sides shall have a handrail on each side. If a stairway is open on one side, the required handrail shall be placed on the open side, when required by the director of inspections. Stairways required to be more than eighty-eight (88) inches in width shall be provided with an intermediate handrail. Only one handrail shall be required for exterior stairs of one- and two-family dwellings when such stairs do not exceed forty-two (42) inches above the adjacent ground or surface.
- (g) All handrails shall be installed not less than thirty (30) inches nor more than thirty-four (34) inches measured vertically above the nose of the stair treads or stairway platforms. Handrails projecting from a wall or other similar surface shall have a space of not less than one and one-half (1 1/2) inches between said wall or surface and the handrails shall be so installed, located, and be of such size and shape that an adult person can grasp and hold onto the same. Handrails hereafter installed or replaced shall be in compliance with the state building code as to location and size.
- (h) All dwellings in a multiple dwelling shall have an approved exit within forty (40) feet from the exit of every dwelling above the first story if such building is of nonfireproof construction, and within fifty (50) feet if such building is of fireproof construction.
- (i) Egress doors connected to public, shared or communal areas must be easily opened from the inside along the path of egress and remain unlocked or be of a type which can be unlocked without the use of a key or any special skill or knowledge. Where multiple dwellings have more than five (5) dwelling units, or more than ten (10) rooming units sharing the same means of egress, the doors serving such egress shall swing in the direction of travel and be selfclosing and latching. All stair tower doors located in multiple dwellings which are four (4) or more stories in height, and where the dwelling units are not individually owned, shall be openable from the inside of the stair tower without the use of a key or any special skill or knowledge when such stair tower doors open into a public, shared or communal area. No person shall lock, fasten closed, block open or in any other way tamper with the operation of selfclosing fire doors so that said doors do not function as required by this section.
- (j) Any required means of egress exposed to the elements shall be kept clear of rubbish, snow, ice and other such obstructions at all times. All vertical ladders and other emergency fire escapes not recognized as a required means of egress shall be maintained in good order and repair. (Code 1960, As Amend., § 75.080; 78-Or-244, § 39, 11-22-78; 79-Or-109, § 2, 5-25-79; 82-Or-106, § 32, 6-11-82)

244.965. Door-closing devices; fire-resistive doors. Every required exit door from dwelling units which opens into shared, communal or public spaces of

multiple dwellings shall be provided with an approved door-closing device. Further, all passage doors opening from dwelling units into shared, communal or public spaces of multiple dwellings shall be modified in a manner approved by the director of inspections so as to provide approximately the same fire-resistive rating as provided by a one-and-three-eighths-inch-thick solid bonded wood core door. Compliance with the foregoing requirements shall be not later than August 1, 1985. Notwithstanding this compliance date, when in the opinion of the director of inspections and the chief of the fire prevention bureau, it is necessary for the protection of public health and safety, they may require the installation of the aforementioned door closers and order the door modifications to be made at an earlier date. Notwithstanding this section, temporary waivers may be allowed by the director of inspections for people with physical disabilities. (82-Or-182, § 1, 9-24-82; 85-Or-006, § 1, 1-11-85)

244.970. Address posting. Every dwelling shall have the proper street address number conspicuously posted in the front and in the rear or on a building accessory to such dwelling at the rear so as to be readily identified in case of fire or other emergency. The rear address number may be omitted if there is no public way at the rear of the building. The numbers required by this section shall be mounted on a permanently fixed surface, the numbers shall be Arabic, not Roman numerals or words, and shall be of sufficient size (two (2) inches minimum height) and of a contrasting color so as to be readily distinguishable and readable from the public way front and rear. (Code 1960, As Amend., § 75.090; 78-Or-244, § 40, 11-22-78; 82-Or-106, § 33, 6-11-82)

Cross references: Numbering of buildings, Ch. 435.

244.980. Ventilation shafts. No ventilation shafts or ducts shall exhaust or terminate within a building. All such shafts or ducts shall lead to the outside. (Code 1960, As Amend., § 75.100)

244.990. Transom windows. Openings such as transom windows shall not be permitted into public hallways. Existing transoms shall be permanently fixed in the closed position and all such openings shall be enclosed with materials having a fire-resistance rating of one hour or equal to that of the walls adjoining such transoms or openings. (Code 1960, As Amend., § 75.105; 78-Or-244, § 41, 11-22-78)

244.1000. Storage near heating plant. No person shall store or permit the storage of any combustible material, other than fuel used in conjunction with the heating system, within ten (10) feet of any heating plant or furnace. (Code 1960, As Amend., § 75.110)

244.1010. Exit signs. All exits in multiple dwellings having ten (10) or more dwelling units on any one floor, or in rooming houses having more than five (5)

rooming units on any one floor, or in any multiple dwellings having a total of ten (10) or more of any combination of the aforesaid dwelling units and rooming units on a floor shall be marked with red, internally illuminated exit signs that will be clearly visible from hallways, corridors and public areas. Where exit signs are not visible there shall be illuminated directional markers indicating the location and direction to follow to reach such exits. Such internally illuminated signs shall be marked "EXIT" in letters at least four (4) inches high.

Exit signs provided in accordance with the building code when properly maintained shall also be acceptable. (Code 1960, As Amend., § 75.120; 78-Or-244, § 42, 11-22-78; 82-Or-106, § 34, 6-11-82)

244.1020--244.1030. Reserved.

ARTICLE X. ROOMING HOUSES AND LODGING ESTABLISHMENTS*

***Editor's note:** 2006-Or-073, § 4, adopted June 30, 2006, amended the title of Art. X to read as herein set out. Prior to inclusion of said ordinance, Art. X was entitled, "rooming houses." See also the Code Comparative Table.

244.1035. No modification of zoning code intended. (a) The purpose of this article is to meet the requirements in Minnesota Statutes, Chapter 157, for licensing of lodging establishments. Nothing contained in this article is intended to modify the definition of a rooming house, lodging house or lodging establishment in the zoning code, or to enlarge rights under the zoning code, or to legalize any use or activity which is not a valid permitted, conditional, or nonconforming use under the zoning code.

(b) The issuance of a lodging establishment license shall not be construed as authorizing a use which is not authorized by the zoning code. (2006-Or-073, § 5, 6-30-06)

244.1040. Compliance required. No person shall operate a rooming house or lodging establishment, or shall occupy or let to another for occupancy any rooming unit in any rooming house or any sleeping room or any bed in a lodging establishment, except in compliance with the requirements set forth in the housing maintenance code. (Code 1960, As Amend., § 76.010; 2006-Or-073, § 6, 6-30-06)

244.1045. License required. (a) Every person who operates, maintains, or holds out to the public that he or she operates or maintains, a lodging establishment, shall first obtain a license as required by this article.

(b) *Operation without a license prohibited.* No person shall operate, maintain, or hold out to the public that he or she operates or maintains, a lodging establishment,

without a valid license issued under this article.

- (c) *Exceptions.* No lodging establishment license shall be required for any lodging establishment holding a health care license issued by the Minnesota Department of Health. (2006-Or-073, § 7, 6-30-06)

244.1050. Lavatory and bath facilities. At least one (1) water closet, hand lavatory and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each ten (10) persons or fraction thereof residing within a rooming house or lodging establishment, including members of the operator's family wherever they share the use of the said facilities; provided that in a rooming house or lodging establishment where rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) of the required number of water closets, and provided further that in rooming houses or lodging establishments existing prior to July 1, 1972, where a hand lavatory, connected to a water and sewer system and in good working condition, is supplied in each rooming unit or sleeping room, then the number of persons who shall share the use of a water closet and bathtub or shower shall not exceed twelve (12) persons. All such facilities shall be so located within the rooming house or lodging establishment as to be accessible to the occupants of each rooming unit or sleeping room sharing such facilities without going through a unit of another occupant. Every hand lavatory and bathtub or shower required under the provisions of this section shall be supplied with hot and cold running water at all times. No plumbing facilities required under this section except the guest toilet room may be located in a cellar. No such plumbing facilities shall be located more than one (1) floor distant from the rooming unit for which such plumbing facilities are provided. (Code 1960, As Amend., § 76.020; Ord. of 3-9-73, § 1; 2006-Or-073, § 8, 6-30-06)

244.1060. Communal kitchens. Communal kitchens shall be permitted only in rooming house or lodging establishment occupancies. Every rooming house or lodging establishment within which the occupants of rooming units or sleeping rooms are permitted to prepare meals shall contain a communal kitchen which has adequate cooking, refrigeration and plumbing facilities to allow the preparation of meals in a clean and healthful manner by the occupants. Every communal kitchen shall be located within a room accessible to the occupant of each rooming unit or sleeping room sharing the use of such kitchens, without going outside the rooming house or lodging establishment and without going through a unit of another occupant.

The owner or operator of a rooming house wherein meals are served to tenants or lodging establishment with boarding shall comply with all applicable requirements of Chapter 188 of this Code of Ordinances. (Code 1960, As Amend., § 76.030; 78-Or-244, § 43, 11-22-78; 2006-Or-073, § 9, 6-30-06)

244.1070. No-cooking signs. The operator shall post in every rooming unit or sleeping room a sign on which shall be written or printed in letters not less than

one inch in height the following words "No Cooking Permitted in This Room" and such sign shall remain so posted at all times. No person shall cook or prepare meals in any rooming unit or sleeping room, and no operator knowingly shall allow cooking or preparation of meals in any rooming unit sleeping room. (Code 1960, As Amend., § 76.040; 2006-Or-073, § 10, 6-30-06)

244.1080. Reserved.

Editor's note: Ord. No. 2006-Or-073, § 11, adopted June 30, 2006, repealed § 244.1080, which pertained to bed and linen towels. See also the Code Comparative Table.

244.1090. Sanitary maintenance. The owner or operator of every rooming house or lodging establishment shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house or lodging establishment; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house or lodging establishment is contained is leased or occupied by the operator. (Code 1960, As Amend., § 76.060; 78-Or-244, § 45, 11-22-78; 2006-Or-073, § 12, 6-30-06)

244.1100. Reporting of communicable disease. The operator of a rooming house or lodging establishment shall report to the commissioner of health within twenty-four (24) hours the name of any person living in the rooming house who is suffering from a communicable disease, and such report shall be made whenever there is reason to believe or suspect that any person in such rooming house or lodging establishment may be afflicted with any communicable disease. (Code 1960, As Amend., § 76.070; 2006-Or-073, § 13, 6-30-06)

244.1105. Inspection. Pursuant to the authority granted in Minnesota Statutes, section 157.04, a duly authorized inspector of the City of Minneapolis may enter and have access to a lodging establishment at any time during the conduct of business thereon, for the purpose of verifying compliance with the provisions of this chapter. (2006-Or-073, § 14, 6-30-06)

244.1110. Keeping of register. Every person licensed as a rooming house or lodging establishment operator shall at all times keep a register within the rooming house or lodging establishment, in which shall be written the names of all occupants renting or occupying rooming units or sleeping rooms in such rooming house or lodging establishment. After the name or names of persons renting or occupying any rooming unit the operator, or operator's agent, shall write the number of the room or rooms which each person is to occupy, together with the date and hour when such room or rooms are rented, all of which shall be done before such person is permitted to occupy such room or rooms. The register shall be open to inspection within twenty-four (24) hours of request by the chief of police, commissioner of health, director of inspections or chief of the

fire prevention bureau, or their authorized representatives. (Code 1960, As Amend., § 76.080; Ord. of 3-9-73, § 2; 78-Or-244, § 46, 11-22-78; Pet. No. 252271, § 25, 5-11-90; 2006-Or-073, § 15, 6-30-06)

244.1120. Entry of true name in register. No person shall write or cause to be written in any rooming house or lodging establishment register any other or different name than the true name of such person or the name by which such person is generally known. (Code 1960, As Amend., § 76.090; 2006-Or-073, § 16, 6-30-06)

244.1125. Dwelling units in same building. An applicant who operates one (1) or more residential dwelling units in the same building or structure containing a lodging establishment shall be required to hold a rental dwelling license for those dwelling units as well as the license required in this chapter. (2006-Or-073, § 17, 6-30-06)

244.1130. Hotel units in same building. An applicant who operates hotel units in the same building or structure containing a lodging establishment shall be required to hold a hotel license as well as the license required in this chapter. (2006-Or-073, § 18, 6-30-06)

244.1135. Conditions. A licensee under this chapter shall comply with all of the following requirements, as well as any other applicable statutes, rules or codes.

- (a) Minneapolis Fire Code;
- (b) Minneapolis Health Code;
- (c) Minneapolis Building Code;
- (d) Minneapolis Housing Maintenance Code;
- (e) Minneapolis Zoning Code.
- (f) Minnesota Rules - Chapter 4625 (Lodging Establishments)
- (g) A lodging establishment licensee or operator shall comply with all rooming house or rooming unit regulations set forth in this chapter. (2006-Or-073, § 19, 6-30-06)

244.1140. Reserved.

Editor's note: Ord. No. 2006-Or-073, § 20, adopted June 30, 2006, repealed § 244.1140, which pertained to rehabilitation centers. See also the Code Comparative Table.

244.1145. Expiration; renewal. All licenses issued under this article shall expire on November first of each year, subject to renewal year to year thereafter. All licensees shall apply for renewal of their licenses on a form provided by the

director of inspections. The renewal application may be in such abbreviated form as deemed sufficient by the director to verify current information on file concerning the licensee. An application for renewal shall be filed in the department at least thirty (30) days before expiration of the license. No license or provisional license shall be granted without payment of the required annual license fee. An individual who is operating a lodging establishment after the license has expired is operating an unlicensed lodging establishment. (2006-Or-073, § 21, 6-30-06)

244.1150. License fees. (a) The annual license fee required under this article for a lodging establishment or a lodging establishment with boarding shall be as established in Appendix J, License Fee Schedule.

- (b) *New license surcharge.* Every applicant for any license required under this article shall pay, in addition to any other specified fees required, an additional surcharge as established in Appendix J, License Fee Schedule:
- (1) Upon initial application for the required license; and
 - (2) Upon application for the required license after failing to renew the license within one year of the expiration date of the previously held license.

This additional new license surcharge shall not be refunded whether or not the license sought is granted.

- (c) The annual license fee shall be increased by fifty (50) percent when more than thirty (30) calendar days late. Late applicants shall not be entitled to prorated license fees. After December 31 of the license year, renewal of an expired license shall require the payment of the administrative fee set forth in (e) instead of the fee set forth in this paragraph.
- (d) License fees shall be prorated as follows:
- (1) Issued during first half of license year . . . Full fee;
 - (2) Issued during second half of license year . . . 1/2 fee.
- (e) Operation of an unlicensed lodging establishment shall be subject to an additional administrative fee of two hundred and fifty dollars (\$250.00) for the first sleeping room or bed, and ten dollars (\$10.00) for each additional sleeping room or bed. This fee shall be in addition to any other appropriate enforcement action or fees due. (2006-Or-073, § 22, 6-30-06)

244.1155. Application for license. Within ninety (90) days after the effective date of this article, the owner of each lodging establishment shall make written application to the director of inspections for a license to carry on the business of renting lodging establishment property. Such application shall be made on a form furnished by the director of inspections for such purpose and shall set forth the following information:

- (1) Name, business or residence address, telephone number, and date of birth of the owner of the lodging establishment. If the owner is a partnership, the name of the partnership, the name, residence address,

and date of birth of the managing partner. If the owner is a corporation, the name and address of the corporation, and the name of the chief operating officer; in cases where the owner of a dwelling resides outside of the sixteen-county metropolitan area consisting of the following counties: Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Le Sueur and Goodhue; the owner's agent/contact person shall reside within the sixteen-county metropolitan area.

- (2) If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, telephone number, and date of birth of such agent.
- (3) Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address, telephone number, and date of birth, a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (2) above.
- (4) Street address of the dwelling.
- (5) Number and kind of units within the dwelling (sleeping rooms and or beds provided as applicable).
- (6) Any other information deemed necessary to regulate the operations of a lodging establishment.
- (7) In the event that any of the information required to be provided by this section changes, the applicant or licensee shall, within fourteen (14) days, notify in writing the director of inspections, or an authorized representative of the director, of the change. However, if the natural person designated in subsection (3) changes, the licensee or applicant shall file an entirely new application within fourteen (14) days. Furthermore, for just cause, the director of inspections, or an authorized representative of the director, may request that an applicant or licensee complete and file a new or replacement application for any rental dwelling, giving the licensee or applicant a minimum of fourteen (14) days to comply. (2006-Or-073, § 23, 6-30-06)

244.1160. Licensing Standards. The owner of a lodging establishment must comply with the licensing standards set forth in section 244.1910 and must comply with 244.2020. The city council may revoke, suspend, refuse to issue, or refuse to renew any license for failure to comply with the requirements of those sections, pursuant to the procedure set forth in sections 244.1930 to 244.1970. (2006-Or-073, § 24, 6-30-06)

ARTICLE XI. SHARED BATH DWELLING UNITS

244.1170. Compliance required. No person shall occupy or let to another for occupancy any shared bath dwelling except in compliance with the requirements set forth in the housing maintenance code. (Code 1960, As Amend., § 77.010; Ord. of 9-12-74, § 2)

244.1180. New units prohibited; removal of existing. New shared bath dwelling units shall not be installed after October 1, 1966. Existing shared bath dwelling units not of record shall be vacated and removed. Nothing herein shall prohibit any right of appeal or review by the housing board of appeals as provided by Chapter 242 of this Code of Ordinances. (Code 1960, As Amend., § 77.020; Ord. of 9-12-74, § 3)

244.1190--244.1200. Reserved.

ARTICLE XII. HOTELS*

***Cross references:** Hotels generally, Ch. 297; unlawful solicitations in hotels, § 385.280.

244.1210. Compliance required. No person shall operate a hotel, or shall occupy or let to another for occupancy any hotel unit in any hotel, except in compliance with the requirements set forth in the housing maintenance code. In addition the provisions of this article shall apply to hotels licensed in accordance with the provisions of Chapter 297. (Code 1960, As Amend., § 78.010)

244.1220. License required. No person shall operate a hotel without a valid hotel license granted by the city council as required by Chapter 297. (Code 1960, As Amend., § 78.020; Pet. No. 252271, § 26, 5-11-90)

244.1230. Inspection; recommendation to council. The director of inspections shall inspect each hotel for which a license application is filed. The director shall transmit to the city council a recommendation relative to such hotel license application. If the director recommends that such application be denied, the reasons for such recommendation shall be set forth by the director. (Code 1960, As Amend., § 78.030; Pet. No. 252271, § 27, 5-11-90)

244.1240. Posting of license. Every current hotel license issued by the city council shall be conspicuously posted by the operator either at the hotel registration desk or in a public corridor or lobby. Said license shall be in a frame with a glass covering and shall remain posted at all times. (Code 1960, As

Amend., § 78.050; Ord. of 8-10-73, § 2; Ord. of 8-29-74, § 1)

244.1250. Suspension, revocation of license. The city council may suspend or revoke any hotel license if the licensee of such hotel is found guilty of violating any of the provisions of this Code of Ordinances relating to the operation of hotel. (Code 1960, As Amend., § 78.060)

244.1260. Register to be kept. Every person to whom a hotel license has been issued shall at all times keep a hotel register within the hotel, in which shall be written the names of all occupants renting or occupying hotel units in such hotel. The register shall be signed by the persons renting a hotel unit. After the name or names of persons renting or occupying any hotel unit the operator, or the operator's agent, shall write the number of the room or rooms which each person is to occupy, together with the date and hour when such room or rooms are rented, all of which shall be done before such person is permitted to occupy such room or rooms. The register shall be at all times open to inspection by the chief of police, commissioner of health, the director of inspections and the chief of the fire prevention bureau or their authorized representatives. (Code 1960, As Amend., § 78.070; 76-Or-184, § 1, 10-29-76; 78-Or-244, § 47, 11-22-78; Pet. No. 252271, § 28, 5-11-90)

244.1270. False registration. No person shall write or cause to be written in any hotel register any other or different name than the true name of such person or the name by which such person is generally known. (Code 1960, As Amend., § 78.080)

Cross references: Similar provisions, § 385.130.

244.1280. Reserved.

Editor's note: Former § 244.1280, pertaining to assigning hotel rooms to persons of opposite sex and derived from Code 1960, as amended, § 78.090, was repealed by § 1 of an ordinance enacted Sept. 11, 1975.

244.1290. Numbering of units. Every licensed hotel operator shall number in a plain conspicuous manner every hotel unit and any tenement units and dwelling units if any such tenement units and dwelling units exist within the hotel. No two (2) units shall bear the same number. No number on any hotel unit, tenement unit, or dwelling unit shall be changed without first notifying the director of inspections so the occupancy record cards can be changed to agree with the unit numbering. (Code 1960, As Amend., § 78.100)

244.1300. Compliance with housing maintenance code. Every dwelling unit located within a hotel shall comply with all of the requirements for dwelling units as otherwise provided in the housing maintenance code. (Code 1960, As Amend., § 78.110)

244.1310. Preparation of meals in hotel units. No occupant of a hotel shall cook and prepare meals in a hotel unless such meals are prepared in a dwelling unit contained therein; provided that occupants of a hotel who are employed in a public restaurant located within that hotel may live and sleep in rooms located within the hotel. No food shall be cooked or prepared in any room in any hotel unless such room is part of a dwelling unit contained therein. This section shall not prohibit the cooking, preparation and serving of food in a licensed restaurant within the licensed hotel. Nor shall this section be construed to prohibit the serving of meals in a hotel unit from the hotel restaurant. (Code 1960, As Amend., § 78.120)

244.1320. Communal kitchens prohibited. Communal kitchens as herein defined are prohibited in any hotel. (Code 1960, As Amend., § 78.130)

244.1330. Lavatory and bath facilities. At least one water closet, hand lavatory and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each ten (10) persons or fraction thereof residing within a hotel, including members of the operator's family wherever they share the use of the said facilities; provided that in a hotel where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets, and provided further, that in hotels existing prior to July 1, 1972, where a hand lavatory connected to a water and sewer system approved by the director of inspections and in good working condition is supplied in each hotel unit, then the number of persons who may share in the use of a water closet and bathtub or shower shall not exceed twelve (12) persons. (Code 1960, As Amend., § 78.140)

244.1340--244.1350. Reserved.

Editor's note: Section 4 of 78-Or-244, enacted Nov. 22, 1978, repealed former §§ 244.1340 and 244.1350, pertaining to ceiling heights of habitable rooms and prohibiting use of cellar space for sleeping room or dwelling unit. Said former sections were derived from the 1960 Code, as amended, §§ 78.150 and 78.160.

244.1360. Bed linens and towels. The operator of every hotel shall supply and change bed linen and towels therein at least once each week, and prior to the letting of any room to another occupant. The operator shall be responsible for the maintenance of all supplied bedding mattresses and springs in a clean and sanitary manner. (Code 1960, As Amend., § 78.170; 78-Or-244, § 49, 11-22-78)

244.1370. Sanitary maintenance. The owner or operator of every hotel shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of the hotel. The owner or operator shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the hotel is contained is leased or occupied by the operator. (Code 1960, As Amend., §

78.180; 78-Or-244, § 50, 11-22-78; Pet. No. 252271, § 29, 5-11-90)

244.1380--244.1390. Reserved.

Editor's note: Section 51 of 78-Or-244, enacted Nov. 22, 1978, repealed former §§ 244.1380 and 244.1390, pertaining to storage, removal and disposal of rubbish and garbage at hotels and derived from the 1960 Code, as amended, §§ 78.190 and 78.200.

244.1400. Extermination of pests. The owner or operator of a hotel shall be responsible for the extermination of any insects, rodents, vermin or other pests therein, and shall be further responsible for such extermination on the entire premises where the entire structure or building within which the hotel is contained is leased or occupied by the operator. Notwithstanding, whenever infestation of a hotel is caused by failure of the owner to maintain the building within which the hotel is contained in a ratproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. (Code 1960, As Amend., § 78.210; 78-Or-244, § 52, 11-22-78; Pet. No. 252271, § 30, 5-11-90)

Cross references: Pest and vermin control generally, Ch. 229.

244.1410. Reporting of communicable disease. The operator of a hotel shall report to the commissioner of health within twenty-four (24) hours the name of any person living in the hotel who is suffering from any communicable disease, and such report shall be made whenever there is reason to believe or suspect that any person in such hotel may be afflicted with any communicable disease. (Code 1960, As Amend., § 78.220)

Cross references: Contagious diseases generally, Ch. 219.

244.1420. Exit signs. All exits in hotels shall be marked with red internally illuminated exit signs that will be clearly visible from hallways, corridors, and public areas. Where exit signs are not visible there shall be illuminated directional markers indicating the location and direction to follow to reach such exits. Such internally illuminated signs shall be marked "EXIT" in letters at least four (4) inches high. (Code 1960, As Amend., § 78.230)

244.1430--244.1440. Reserved.

ARTICLE XIII. UNFIT DWELLINGS

244.1450. Condemnation authorized; requiring vacating. Whenever the commissioner of health, the director of inspections, or the chief of the fire prevention bureau finds that any dwelling, multiple dwelling or dwelling unit constitutes a hazard to the health, safety or welfare of the occupants or to the public because it lacks maintenance, or is dilapidated, unsanitary, vermin-infested, or rodent-infested, because it lacks the sanitary facilities and equipment

required by the housing maintenance code, or because it violates residential storage standards, he or she may condemn such dwelling or dwelling unit as unfit for human habitation. If any dwelling or any part thereof is occupied by more families than provided by this code, or is erected, altered or occupied contrary to law, such dwelling shall be deemed an unlawful structure and the director of inspections may cause such dwelling to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation, as the case may be, has been made to conform to the law. (Code 1960, As Amend., § 80.010; Pet. No. 252271, § 31, 5-11-90; 91-Or-240, § 4, 12-6-91)

244.1460. Placarding. Any dwelling or dwelling units condemned shall be posted with a placard of condemnation by the director of inspections. The placard of condemnation shall include the following:

- (a) Name of the city;
- (b) The name of the authorized department having jurisdiction;
- (c) The chapter and section of this Code of Ordinances or other ordinance under which it is issued;
- (d) Street address of building, dwelling number if applicable;
- (e) A statement of reason or reasons for condemnation;
- (f) A statement of time when occupants must vacate the dwelling or dwelling unit (not less than twenty-four (24) hours or more than thirty (30) days except in cases of emergency);
- (g) The date that the placard of condemnation is posted;
- (h) A statement of the penalty for defacing or removal of the placard. (Code 1960, As Amend., § 80.020; 84-Or-194, § 1, 10-26-84)

244.1470. Notice of condemnation required. Whenever the director of inspections, commissioner of health or director of the fire prevention bureau intends to condemn a dwelling or dwelling unit, notice shall be given to the owner of such condemnation and placarding of the dwelling or dwelling unit. Such notice shall:

- (a) Be in writing;
- (b) Include the street address of the building, dwelling number if applicable;
- (c) Include a statement of the reason or reasons why it is being issued;
- (d) Set a date to bring the conditions herein set out into compliance with the housing maintenance code and as notice that after said date the building or dwelling will be condemned. (Code 1960, As Amend., § 80.030; 84-Or-194, § 2, 10-26-84; Pet. No. 252271, § 32, 5-11-90; 91-Or-240, § 5, 12-6-91)

244.1480. Service of notice of condemnation. Service of notice of

condemnation shall be as follows:

- (a) By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion, or
- (b) By depositing the notice in the United States Mail addressed to the owner at the owner's last-known address with postage prepaid thereon, or by posting and keeping posted for twenty-four (24) hours a copy of said notice in placard form in a conspicuous place on the condemned premises. (Code 1960, As Amend., § 80.030; Pet. No. 252271, § 33, 5-11-90)

244.1490. Duty to vacate. Any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation by the director of inspections, commissioner of health or director of the fire prevention bureau shall be vacated within a reasonable time as required by said director, or commissioner and it shall be unlawful for any owner or operator to let or allow any person to occupy said dwelling or dwelling unit. No person shall occupy any dwelling or dwelling unit which has been condemned and placarded by said director or commissioner after the date set forth in the placard of condemnation. The director of inspections, commissioner of health or director of the fire prevention bureau may allow a security or fire guard to occupy the condemned dwelling when, in the opinion of said director or commissioner such action best serves public interest. (Code 1960, As Amend., § 80.040; 78-Or-244, § 53, 11-22-78; 91-Or-240, § 6, 12-6-91)

244.1500. Condemned dwellings not to be occupied. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the director of inspections, commissioner of health or director of the fire prevention bureau. The director of inspections, commissioner of health or director of the fire prevention bureau shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated, as evidenced by proper issuance of a certificate of code compliance as set forth in Chapter 87, except where such certificate of code compliance is not required under the provisions of section 89.15 of this Code. (Code 1960, As Amend., § 80.050; 81-Or-252, § 2, 10-9-81; 91-Or-240, § 7, 12-6-91)

244.1510. Defacing, removal of placard. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned and placarded. Such placard shall only be removed by the enforcing officer. (Code 1960, As Amend., § 80.060; 84-Or-194, § 3, 10-26-84)

244.1520. Repeat offenders, certificate of code compliance. When any owner of any dwelling shall have been convicted of three (3) separate violations

of this chapter as to that dwelling within any one-year period, the owner shall be required to seek and be issued a certificate of code compliance as set forth in Chapter 87 of this Code. (86-Or-169, § 1, 7-25-86)

244.1530--244.1540. Reserved.

ARTICLE XIV. NONDWELLING STRUCTURES, ETC.

244.1550. Compliance required. No person shall construct, or allow or permit to exist on any premises any nondwelling structure, fence or condition, which does not comply with the requirements set forth in this article. (Code 1960, As Amend., § 81.010)

244.1560. Construction, maintenance of nondwelling structures. Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entranceway of every nondwelling structure shall be so constructed and maintained as to prevent the structure from becoming a harborage for rats. Each entranceway for persons or vehicles in any such structure on residential property shall have exterior doors. All such structures and exterior doors shall be kept in good workmanlike state of maintenance and repair. All exterior surfaces of nondwelling structures shall be of a material manufactured or processed specifically for use in such a weather-exposed location. Nondwelling structures shall not be used for the storage of garbage or rubbish unless such garbage or rubbish is placed in an approved container or stored in a manner so as not to constitute a health or safety hazard. (Code 1960, As Amend., § 81.020; Ord. of 5-25-73, § 1; Ord. of 11-21-73, § 1)

Cross references: Garbage and refuse generally, Ch. 225; container requirements for rubbish, § 225.580; storing rubbish, § 225.590.

244.1570. Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water on said premises or within any building or structure located thereon, and every premises shall be continuously maintained in a sanitary, erosion-free, and dust-free condition by suitable landscaping with grass, trees, shrubs, or other planted ground cover, or by paving with asphalt, concrete, or by such other suitable means as shall be approved by the director of inspections. Where a premises is occupied or shared by fewer than three (3) dwelling units, the continued maintenance of the premises in the above conditions shall also be the responsibility of the occupants.

Whenever a premises is not in compliance with this section and presents an immediate hazard to public health and welfare, the director of inspections shall give fifteen (15) days' notice to the owner or owners or the agent of such owners and occupant or tenant of premises in the city to correct the violation. In the event said violation is not corrected, the director of inspections shall take the necessary actions to secure compliance with this section. Premises shall be considered hazardous when it

becomes a potential source of filth and cause of sickness, when stagnant water or dust is left to accumulate or stand on the premises, or when erosion of the soil causes the same to spill over onto the sidewalk, street or the adjoining property. (Code 1960, As Amend., § 81.030; Ord. of 6-28-74, § 1; Pet. No. 252271, § 34, 5-11-90)

244.1575. Open excavations and areas. No person shall maintain or allow to continue without approved guardrails any excavation, pit, area wall, stairwell or window-well which, due to its depth and/or location on a premises, constitutes a hazard to the health and safety in the opinion of the director of inspections. (78-Or-244, § 55, 11-22-78)

244.1580. Weeds, other vegetation. No owner, operator or occupant shall allow to remain on any portion of the premises occupied or controlled by such person any accumulation of hay, grass, straw, weeds, vines, bushes, other plant growth or dead trees or dead tree limbs which in the opinion of the director of inspections constitutes a health, safety or fire hazard. Further, no person shall allow any bushes, trees or other vegetation to remain on any portion of private property which that person controls, when such vegetation is overhanging public premises unless said vegetation is cut back so as to maintain the following clearances: A clearance of seven (7) feet shall be maintained over pedestrian walkways and a clearance of fourteen (14) feet shall be maintained over vehicular passageways.

"Public premises" for the purpose of this chapter shall mean those areas where the city has exercised its easement rights to provide either pedestrian walkways or vehicular passageways. (Code 1960, As Amend., § 81.035; Ord. of 9-11-75, § 1; Pet. No. 252271, § 35, 5-11-90)

244.1590. Fences and retaining walls. Every fence and retaining wall on or adjacent to residential property shall be kept well mended and in good repair, consistent with the design thereof. (Code 1960, As Amend., § 81.040; 78-Or-244, § 56, 11-22-78)

Cross references: Hazardous fences, § 385.20.

244.1600. Fences adjacent to property lines. Every fence hereafter erected within five (5) feet of a property line shall be erected in the following manner: Posts, supporting rails and other such supporting elements when located to one side of the wire mesh or other screening material shall be located on and face the fence owner's property. (Code 1960, As Amend., § 81.045; Ord. of 6-13-75, § 1)

244.1610. Occupancy prohibited. No person shall occupy or let or allow another to occupy a nondwelling structure for the purpose of living therein. (Code 1960, As Amend., § 81.050)

244.1620. Skateboard ramps or structures prohibited. (1) Findings. The city council finds, determines and declares that skateboard ramps or other similar types of structures used for skateboarding or similar or related purposes in residentially zoned areas result in intolerable levels of noise in the neighborhood adjacent to such structure; that the intolerable noise levels result from the use of the skateboard ramp or structure itself and from the gathering of large groups of persons who come to use or observe the use of the skateboard ramp; that such skateboard ramps or structures are aesthetically objectionable in a residential area due to the characteristics inherent in their design; that such structures or their proliferation could depress market values of surrounding properties to the detriment of the various taxing districts; that the use and maintenance of such structures in a residential area endangers the public health and safety, constitutes an unreasonable use and condition to the annoyance, discomfort and repose of a considerable number of the public; that the presence of such structure in a residentially zoned area is detrimental to the public good, and to the common welfare, and renders a considerable number of the public insecure in the use and enjoyment of their property, and thus constitutes a nuisance condition.

(2) Notwithstanding any other section of this Code, skateboard ramps or similar structures used for skateboarding or related purposes are prohibited in residentially zoned areas as constituting a public nuisance. (86-Or-256, § 1, 11-7-86)

244.1630. Reserved.

ARTICLE XV. BUILDING SECURITY

244.1640. Purpose. The purpose of this article is to require security devices in certain buildings used for dwellings and hotels, and certain nondwelling structures accessory thereto, as a safety, burglary and theft prevention measure. Such security devices shall be installed in a professional manner and maintained operable and effective as installed. (Code 1960, As Amend., § 153.010; Ord. of 7-26-74, § 1; 78-Or-221, § 1, 10-27-78; 78-Or-244, § 57, 11-22-78; Pet. No. 252271, § 36, 5-11-90)

244.1650. Dead bolt locks. (a) *Defined.* For the purpose of this article, a "dead bolt lock" is a locking bolt which, when in the locked position, can only be moved positively by turning a knob, key, sliding bolt, or by a mechanism activated by working a combination, except that a lock bolt moved by a skeleton-type key is excluded from this article.

(b) *Specifications.* A dead bolt not less than three-eighths inch in its least dimension, which penetrates into the strike plate not less than three-eighths inch shall be deemed to meet the requirements of this section. Further dead bolt locks installed or replaced after July 1, 1982, shall have a bolt throw of at least three-quarters inch and the strike plate shall be secured with steel screws at least two

and one-half (2 1/2) inches in length or secured in a manner to provide equivalent security.

- (c) [*Deadlatch, bolt-type locks.*] Mortised deadlatch, bolt-type locks, properly installed and maintained, when installed prior to October 31, 1969, may be deemed to provide the security required by this article; however, latch-type locks shall not be approved for new installations.
- (d) [*To be openable without key.*] Except as hereinafter expressly permitted in this article, dead bolt locks, as required by this section, shall be of a type openable from the inside without the use of a key or any special knowledge or effort. (Code 1960, As Amend., § 153.020; 78-Or-244, § 58, 11-22-78; 80-Or-052, § 1, 4-11-80; 82-Or-106, § 35, 6-11-82; 85-Or-140, § 1, 7-26-85)

244.1660. Locks required for rooming houses. All rooming houses existing now or hereafter constructed shall be provided with dead bolt locks on all entrance doors of each rooming unit. However, rooming houses having six (6) or fewer rooming units and occupied by six (6) or fewer roomers may provide the required security by dead bolt locks on all exterior doors of said rooming house. Key locking shall be as required for other occupancies in this article. (Code 1960, As Amend., § 153.025; Pet. No. 252271, § 37, 5-11-90)

244.1670. Locks required for multiple dwellings. (a) All multiple dwellings, including hotels, constructed after June 1, 1970, shall provide dead bolt locks on all entrance doors of each dwelling unit, at least one of which must be capable of being locked from the exterior.

- (b) All multiple dwellings existing on October 31, 1969, shall provide dead bolt locks, as herein required, on all entrance doors of each dwelling unit. (Code 1960, As Amend., § 153.030; 80-Or-052, § 2, 4-11-80; 82-Or-106, § 36, 6-11-82)

244.1680. Locks required for one- and two-family dwellings. All one- and two-family dwellings or portion thereof when let to another shall be provided with dead bolt locks on all exterior doors of each dwelling unit, at least one of which must be capable of being locked from the exterior.

In the case of all one-family dwellings when let to another, and ground story doors of two-family dwellings or portions thereof when let to another, dead bolt locks may be of a type openable from the inside with a key or a mechanism requiring special knowledge or effort. (Code 1960, As Amend., § 153.045; 80-Or-052, § 3, 4-11-80)

244.1685. Security for exterior garage doors. All exterior doors on garages provided for the use of the nonowner occupants of one-, two-, three- or four-unit dwellings shall be equipped with such locks, bolts, security bars or other approved security devices which, when in a closed, secured position, will prevent the doors from being opened from the outside. (78-Or-221, § 2, 10-27-78)

244.1690. Window security. (a) Exterior windows and doors of hotel units and

dwelling let to another which are openable and have a sill which is within twenty-four (24) feet of the adjacent ground level and all other windows and doors of hotel units and dwellings let to another which are accessible to persons by means of porches, stairs, fire escapes, balconies, corridors, walkways, interior balconies, roofs, or other such possible accesses, shall be provided with an approved locking device which, when in the locked position, will prevent the window or door from being opened from without the dwelling unit, rooming unit or hotel unit.

- (b) Windows and doors of bath and toilet rooms let in conjunction with the aforementioned units shall be provided with an approved locking device when such windows are deemed accessible by the standards set forth in this section.
- (c) The window security required by this section shall be provided at the prime window or door and latching or locking devices on storm sash or screen frames will not be accepted as meeting the intent of this section. (Code 1960, As Amend., § 153.046; Ord. of 7-26-74, § 2; 76-Or-145, § 1, 8-26-76; 78-Or-244, § 59, 11-22-78)

244.1700. Responsibility for security. The owner, operator, or agent in charge of buildings covered by this article shall be responsible for compliance with the terms and provisions of this article. (Code 1960, As Amend., § 153.050)

244.1710. Keys required. The owner, operator or agent in charge of dwellings let to another shall furnish the lessee with a key for the dead bolt lock or other lock required by this article. (Code 1960, As Amend., § 153.055; 78-Or-221, § 3, 10-27-78)

244.1720. Enforcement. The director of inspections is authorized and directed to administer and enforce the provisions of this article. The director of inspections may disapprove locking devices that do not meet the requirements of this article. (Code 1960, As Amend., § 153.060)

244.1730. Easement agreements. (a) No utility company may seek to enter a multi-unit dwelling in order to maintain, repair, replace, or remove any of its facilities without providing to the owner of the building not less than four (4) hours advance notice during normal business hours (8:00 a.m. to 5:00 p.m. Monday through Friday) except:

- (1) In case of emergency;
- (2) Meter reading, monitoring, adjustments, connecting or reconnecting;
- (3) At the request of a tenant;
- (4) To protect the health and safety of tenants; or
- (5) When the activity does not require the company to access the building through the security doors.

- (b) No utility company may require as a condition of its services that direct sales to the tenants of a multi-unit dwelling with exterior security doors be allowed except during limited periods of time negotiated with the owners of the building and upon adequate notice to the tenants so as not to compromise the security of the building. (95-Or-091, § 1, 6-9-95)

244.1740--244.1790. Reserved.

ARTICLE XVI. RENTAL DWELLING LICENSES

244.1800. Definitions. Words used in this article shall have the meanings ascribed in section 244.40, unless otherwise defined herein.

Appropriate action shall mean that action which a reasonable license holder would take based upon the facts and circumstances of each case so as to prevent a reoccurrence of a disorderly use. (90-Or-235, § 6, 9-14-90; 99-Or-163, § 1, 12-17-99)

244.1810. License required. No person shall allow to be occupied, let or offer to let to another for occupancy, any dwelling unit unless the owner has first obtained a license or provisional license under the terms of this article. The practice of pre-leasing new rental construction shall be exempt from the provisions of this section. (90-Or-235, § 6, 9-14-90; 96-Or-129, § 1, 12-13-96; 2008-Or-016, § 1, 2-29-08)

244.1820. Applicability and exceptions. (a) The provisions of this article shall apply to all rental dwellings and dwelling units, including rented single-family dwellings and rented dwelling units in owner-occupied dwellings, as well as to rented condominiums, rented townhouses and leasehold cooperative dwelling units, as those terms are defined in Minn. Statute Section 273.124, Subd. 6, Minnesota Statutes, Chapter 515A, Minnesota law and this Code.

- (b) The provisions of this article shall not apply to hotels licensed under Chapter 297 of this Code; lodging houses licensed under Chapter 298 of this Code; jails; convents; monasteries; licensed nursing homes; licensed board and care homes; parsonages; parish houses; manses and rectories; hospitals; and owner-occupied dwelling units in a cooperative, condominium or townhouse building. (90-Or-235, § 6, 9-14-90; 2003-Or-153, § 5, 12-29-03)

244.1830. What the license covers. (a) One (1) license shall be issued for each building with rental dwelling units and shall be deemed to cover only such dwelling units under single ownership.

- (b) The city shall have authority to exercise its licensing powers under this article, including the power to issue, renew, deny, revoke, and suspend licenses, with respect to an entire building or only a portion of a building. (90-Or-235, § 6, 9-14-90; 2003-Or-153, § 6, 12-29-03)

244.1840. Application for license. Within ninety (90) days after the effective date of this article, the owner of each rental dwelling shall make written application to the director of inspections for a license to carry on the business of renting residential property. In addition, the owner of each such rental dwelling constructed after the effective date of this article shall make written application to the director of inspections for a license as herein provided prior to initial occupancy. Such application shall be made on a form furnished by the director of inspections for such purpose and shall set forth the following information:

- (1) Name, business or residence address, telephone number, and date of birth of the owner of the dwelling. If the owner is a partnership, the name of the partnership, the name, residence address, and date of birth of the managing partner, and the full name and address of all partners. If the owner is a corporation, the name and address of the corporation, and the name of the chief operating officer; in cases where the owner of a dwelling resides outside of the sixteen-county metropolitan area consisting of the following counties: Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Le Sueur and Goodhue; the owner's agent/contact person shall reside within the sixteen county area.
 - a. All partnerships, corporations, limited liability companies or other recognized business associations which own a dwelling required to be licensed under this chapter shall submit, upon request of the director of inspections or the director's designee, the name and address of all partners, shareholders or interest holders. If requested by the director of inspections or the director's designee, information regarding the names and addresses of all partners, shareholders or interest holders must be submitted in a sworn affidavit. Failure to provide this information upon request and in proper form may result in a \$500.00 fine or other appropriate enforcement action.
- (2) If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, telephone number, and date of birth of such agent.
- (3) Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address, telephone number, and date of birth, a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (2) above.
- (4) Street address of the dwelling.
- (5) Number and kind of units within the dwelling (dwelling units, rooming

units, or shared bath units). For each unit, specify the floor number, and the unit number and/or letter and/or designation.

- (6) In the event that any of the information required to be provided by this section changes, the applicant or licensee shall, within fourteen (14) days, notify in writing the director of inspections, or an authorized representative of the director, of the change. However, if the natural person designated in subsection (3) changes, the licensee or applicant shall file an entirely new application within fourteen (14) days. Furthermore, for just cause, the director of inspections, or an authorized representative of the director, may request that an applicant or licensee complete and file a new or replacement application for any rental dwelling, giving the licensee or applicant a minimum of fourteen (14) days to comply. (90-Or-235, § 6, 9-14-90; 91-Or-134, § 3, 7-12-91; 97-Or-056, § 4, 6-27-97; 99-Or-163, § 2, 12-17-99; 2003-Or-070, § 1, 6-20-03; 2006-Or-115, § 1, 10-20-06)

244.1850. Provisional licenses. The director of inspections may issue a provisional license to the owner of a rental dwelling who has submitted an application and paid the license fee required by this article. A provisional license shall authorize the continued occupancy of rental dwelling units in actual existence on the effective date of this article, pending issuance of a rental dwelling license. A provisional license shall authorize the continued occupancy of dwelling units converted to rental usage after the effective date of this article, which shall be inspected pursuant to section 244.1870 of this article. A provisional license indicates only that the owner has submitted an application for a license and paid the required fee, and that the license shall be issued or denied after the building has been inspected for compliance with the minimum standards set forth in section 244.1855 of this article. A provisional license is not a determination that the building complies with the housing maintenance code or the minimum standards set forth in this article.

As a condition of a provisional license or annual renewal of such license, the applicant shall sign a statement affirming that the licensee meets the standards of section 244.1910, subsections (11) through (14). (90-Or-235, § 6, 9-14-90; Ord. No. 97-Or-056, § 5, 6-27-97; 99-Or-163, § 3, 12-17-99; 2003-Or-153, § 7, 12-29-03; 2008-Or-016, § 2, 2-29-08)

244.1855. Minimum inspection standards. The minimum standard to be used for inspections, pursuant to section 244.1890, for compliance with the housing code for buildings with provisional or nonprovisional licenses shall include the inspection of the building exterior, the common areas and the basement. In addition, if there are ten (10) or less individual dwelling units in the building, minimum inspection requirements include inspecting fifty (50) percent of the individual dwelling units, with a minimum of at least one (1) dwelling unit. If there are between eleven (11) and twenty-four (24) individual dwelling units, inclusive, in the building, minimum inspection requirements include inspecting five (5) individual dwelling units in the building. If there are twenty-five (25) or more individual dwelling units in the building, minimum inspection requirements include

inspecting twenty (20) percent of the individual dwelling units. The specific individual dwelling units to be chosen for inspection shall be determined pursuant to inspection department policy.

Pursuant to the above minimum standards to be used for inspections for compliance with the housing code for buildings with provisional or nonprovisional licenses, the individual dwelling units to be inspected per building shall be determined using the following table:

TABLE INSET:

Number of individual dwelling units per building	Number of individual dwelling units to be inspected
1--3	1
4--5	2
6--7	3
8--9	4
10--29	5
30--34	6
35--39	7
40--44	8
45--49	9
50--54	10
55--59	11
60--64	12

Buildings having sixty-five (65) or more individual dwelling units shall have the number of individual dwelling units to be inspected calculated at twenty (20) percent of the total number of individual dwelling units per unit.

If the rental dwelling structure is considered to be "substandard" as defined by section 244.1920, the director or authorized representative may inspect additional units, up to all of the units in the building. (97-Or-056, § 6, 6-27-97)

244.1860. Expiration; renewal. All licenses and provisional licenses issued under this article shall expire on August thirty-first of each year, subject to renewal year to year in the manner provided in this article. All licensees and provisional licensees shall apply for renewal of their licenses on a form provided by the director of inspections. The renewal application may be in such abbreviated form as deemed sufficient by the director to verify current information on file concerning the licensee. No license or provisional license shall be granted without payment of the required annual license fee. An individual who is operating a rental dwelling after the license has expired is operating an unlicensed rental dwelling. (90-Or-235, § 6, 9-14-90; 2004-Or-130, § 1, 11-5-04; 2006-Or-078, § 1, 7-21-06)

244.1870. Point-of-conversion or change of ownership inspection. (a) A

license or provisional license issued hereunder is nontransferable. A new license application shall be required for each change of ownership of a rental dwelling and whenever a dwelling is converted to rental usage.

- (b) Whenever a dwelling is converted to rental usage or when a rental dwelling changes ownership, the dwelling or dwellings shall be promptly inspected for compliance with the minimum standards set forth in section 244.1855 of this article. The fee for the inspection required by this section shall be one thousand dollars (\$1,000.00) for the inspection of any dwelling converted to rental usage and four-hundred fifty dollars (\$450.00) for the inspections of a rental dwelling which has a change of ownership and which has not been inspected in the past six (6) months. This fee shall be in addition to the annual license fee. This provision shall not apply to condominium buildings containing six (6) or more dwelling units nor to any rental building containing more than four (4) dwelling units, nor to any rental dwelling owned by a nonprofit entity, as that term is defined in this title. The director of inspections may waive this provision if a property received a certificate of occupancy within three (3) years of the application date.
 - (1) Conversion shall be defined as single dwelling buildings and buildings/units with separate PID numbers (condominium or townhouse with two(2) to five (5) dwelling units) that have been unlicensed for the previous twelve (12) months for which the owners are applying for a rental dwelling license.
- (c) Noncompliance with written orders duly issued pursuant to the inspection required under this section shall constitute cause for the imposition of adverse license action, including but not limited to license denial.
- (d) If the licensee discontinues rental use and re-occupies the converted dwelling as an owner occupant within twelve (12) months of paying the inspection fee, the owner may be eligible for a fifty (50) percent refund of the inspection fee, upon written application. The provisions of this section shall apply to any property re-converted to rental use after application for this refund. (90-Or-235, § 6, 9-14-90; 2008-Or-016, § 3, 2-29-08; 2008-Or-091, § 1, 11-21-08; 2009-Or-043, § 1, 5-22-09)

244.1880. License fees. (a) The annual license fee for a rental dwelling license or provisional license shall be increased annually using the following formula: the total annual revenue for rental dwelling licenses or provisional licenses for the most recent full year at the time of rate setting, as adjusted for refunds and extraordinary events. This amount is then increased by the Schedule J increase for the current year, subject to a maximum of four (4) percent, and divided by the number of rental licenses, and applied to the first unit fee. The annual license fee shall be nineteen dollars (\$19.00) for each additional dwelling unit under common ownership in the same building. A change in ownership shall require a new license application and payment of the license fee. An increase in the number of licensed dwelling units during the license year shall require an amended license application and the payment of an additional license fee to cover the additional units. The annual license fee schedule for licenses issued under this article for

each additional dwelling unit under common ownership in the same building shall be reviewed by city council in 2012.

(b) The annual license fee shall be increased by fifty (50) percent when more than fifteen (15) calendar days late. Late applicants shall not be entitled to prorated license fees. After November 15th of the license year, renewal of an expired license shall require the payment of the administrative fee set forth in (d) instead of the fee set forth in this paragraph.

(c) License fees shall be prorated as follows:

TABLE INSET:

Issued during first half of license year.....	Full fee
Issued during second half of license year.....	1/2 fee

(d) Operation of an unlicensed dwelling unit shall be subject to an additional administrative fee of two hundred fifty dollars (\$250.00) for the first dwelling unit, and twenty dollars (\$20.00) for each additional dwelling unit under common ownership in the same building. This fee shall be in addition to any other appropriate enforcement action or fees due. (90-Or-235, § 6, 9-14-90; 99-Or-163, § 4, 12-17-99; 2000-Or-082, § 1, 9-15-00; 2003-Or-137, § 1, 11-21-03; 2004-Or-086, § 1, 8-6-04; 2004-Or-130, § 2, 11-5-04; 2005-Or-063, § 1, 8-5-05; 2006-Or-078, § 2, 7-21-06; 2008-Or-006, § 1, 2-1-08; 2008-Or-074, § 1, 9-26-08)

244.1890. Inspection guidelines. The director of regulatory services shall adopt a policy for inspecting all rental dwellings which are required to be licensed under this article, consistent with inspection procedures set forth in section 244.130 or section 244.1855. The policy shall contain objectives for the systematic inspection of all rental dwellings and priorities for the use of scarce inspection resources. The guidelines shall be based upon the following factors and any other factors deemed by the director to promote an efficient inspections program:

- (a) Geographic distribution and concentration of rental dwellings.
- (b) Designation of rental dwellings as Category 4 or 5 in the records of the city assessor.
- (c) Rental dwellings with delinquent property taxes.
- (d) Property identified by the inspections department as having an excessive number of housing code violations or a history of noncompliance or slow compliance with housing inspection orders.

- (e) Rental dwellings for which no license or provisional license has been applied, or which were unregistered under former Article III of this chapter.
- (f) Rental dwellings with an excessive number of police calls for drug offenses, prostitution, crimes of force or violence, and loud disturbances or parties.
- (g) Sale of the equitable interest in a rental dwelling property. (90-Or-235, § 6, 9-14-90; 96-Or-060, § 1, 6-28-96; 97-Or-056, § 7, 6-27-97)

244.1900. Issuance of license. When, upon completion of an inspection of a building and rental dwellings therein, the director of inspections finds that the minimum standards for licensing set forth in this article have been met, a rental dwelling license may be issued. (90-Or-235, § 6, 9-14-90)

244.1910. Licensing standards. The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license or provisional license.

- (1) The licensee or applicant shall have paid the required license fee.
- (2) Rental dwelling units shall not exceed the maximum number of dwelling units permitted by the zoning code.
- (3) No rental dwelling or rental dwelling unit shall be over occupied or illegally occupied in violation of the zoning code or the housing maintenance code.
- (4) The rental dwelling shall not have been used or converted to rooming units in violation of the zoning code.
- (5) The owner shall not suffer or allow weeds, vegetation, junk, debris, or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition under section 227.90 of this Code. If the city is required to abate such nuisance conditions under section 227.100 or collect, gather up or haul solid waste under section 225.690 more than three (3) times under either or both sections during a period of twenty-four (24) months or less, it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license.
- (6) The rental dwelling or any rental dwelling unit therein shall not be in substandard condition, as defined in section 244.1920.
- (7) The licensee or applicant shall have paid the required reinspection fees.
- (8) The licensee or his or her agent shall allow the director of inspections and his or her designated representative to perform a rental license review inspection as set forth in section 244.2000(c).
- (9) The licensee shall maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the

corresponding floor number, and unit number and/or letter and/or designation of such unit within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register and shall inform the director of the location at which the register is kept. The register shall be available for review by the director or his or her authorized representatives at all times.

- (10) The licensee shall submit to the director of inspections or an authorized representative of the director, at the time of application for a rental dwelling license and for just cause as requested by the director, the following information: the number and kind of units within the dwelling (dwelling units, rooming units, or shared bath units), specifying for each unit, the floor number, and the unit number and/or letter and/or designation.
- (11)
 - a. There shall be no delinquent property taxes or assessments on the rental dwelling, nor shall any licensee be delinquent on any financial obligations owing to the city under any action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process.
 - b. The licensee or applicant shall have satisfied all judgments duly entered or docketed against the licensee or applicant by any court of competent jurisdiction arising out of the operation of a rental property business. This subsection shall not be found to have been violated if the licensee or applicant demonstrates that the underlying case or action leading to the entry of judgment is being properly and timely removed to district court or otherwise appealed, or when the judgment is being paid in compliance with a payment plan accepted by either a court possessing jurisdiction over the judgment or the judgment creditor or during any period when the enforcement of the judgment has been duly stayed by such a court. This subsection shall become effective January 1, 2008.
- (12) There is no active arrest warrant for a Minneapolis Housing Maintenance Code or Zoning Code violation pertaining to any property in which the licensee, applicant or property manager has a legal or equitable ownership interest or is involved in management or maintenance.
- (13) Any person(s) who has had an interest in two (2) or more licenses revoked pursuant to this article or canceled pursuant to section 244.1925 or a combination of revocations or cancellations shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of five (5) years.
- (14) No new rental dwelling license shall be issued for the property during the pendency of adverse license action initiated pursuant to section 244.1940.
- (15) The licensee or applicant must have a current, complete, and accurate rental dwelling application on file with the director of inspections in accord with the provisions of section 244.1840.
- (16)
 - a. Before taking a rental application fee, a rental property owner

must disclose to the applicant, in writing, the criteria on which the application will be judged.

- b. Application forms must allow the applicant to choose a method for return of the application fee as either 1) mailing it to an applicant's chosen address as stated on the application form, 2) destroying it 3) holding for retrieval by the tenant upon one (1) business-day's notice.
- c. If the applicant was charged an application fee and the rental property owner rejects the applicant, then the owner must, within fourteen (14) days, notify the tenant in writing of the reasons for rejection, including any criteria that the applicant failed to meet, and the name, address, and phone number of any tenant screening agency or other credit reporting agency used in considering the application.
- d. The landlord must refund the application fee if a tenant is rejected for any reason not listed in the written criteria.
- e. Nothing in this section shall prohibit a rental property owner from collecting and holding an application fee so long as the rental property owner provides a written receipt for the fee and the fee is not cashed, deposited, or negotiated in any way until all prior rental applicants either have been screened and rejected for the unit, or have been offered the unit and have declined to take it. If a prior rental applicant is offered the unit and accepts it, the rental property owner shall return all application fees in the manner selected by the applicant, pursuant to section (b).
- f. Violation of this subsection, 244.1910(16), may result in an administrative citation, or may contribute to the denial or revocation of a rental license.
- g. This subdivision shall become effective December 1, 2004.

(17) An owner shall not have any violations of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, at any rental dwelling which they own or have an ownership interest. A violation of Minnesota Rule Chapter 1300.0120 subpart 1 shall result in a director's determination of noncompliance notice being sent, pursuant to 244.1930 to the owner regarding the rental dwelling where the violation occurred. A second violation, at any rental dwelling in which the owner has an ownership interest, of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, shall result in the issuance of a director's notice of denial, non-renewal, or suspension of the license or provisional license, pursuant to 244.1940 of the Code, for the rental dwelling where the second violation occurred.

(18) The owner, where the owner pays the water bill for a rental dwelling, shall not allow the water to be shut off for non-payment. If water to a rental dwelling has been turned off, for lack of payment by the owner it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license or provisional license.

- (19) The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.
- (20) A licensee or owner/landlord shall not be in violation of section 244.265 of this Code, which requires owner/landlords to notify tenants and prospective tenants of pending mortgage foreclosure or cancellation of contract for deed involving the licensed property.
- (21) Any person, upon a second violation of section 244.1810 by allowing to be occupied, letting or offering to let to another for occupancy, any dwelling unit without having first obtained a license or provisional license, shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of two (2) years.
- (22) The owner or licensee shall not be in violation of section 225.780, which requires every owner of a building containing two (2) or more dwelling units to provide for recycling services. (90-Or-235, § 6, 9-14-90; 91-Or-220, § 1, 11-8-91; 94-Or-124, § 1, 9-16-94; 95-Or-097, § 2, 6-30-95; Ord. No. 97-Or-056, § 8, 6-27-97; 99-Or-163, § 5, 12-17-99; 2001-Or-074, § 1, 6-22-01; 2003-Or-070, § 2, 6-20-03; 2004-Or-122, § 1, 10-22-04; 2005-Or-008, § 1, 2-11-05; 2006-Or-115, § 2, 10-20-06; 2007-Or-063, § 1, 8-31-07; 2008-Or-016, § 4, 2-29-08; 2009-Or-044, § 2, 5-22-09; 2010-Or-041, § 1, 4-16-10)

244.1920. Substandard dwelling. A rental dwelling structure shall be considered substandard if:

- (a) At least one dwelling unit within the structure scores twenty-five (25) or more points; or
- (b) The entire structure scores more than the points shown below based on the number of units within the structure:

TABLE INSET:

Number of Units	Total Points
1	25
2	30
3	35
4	40
5 or more	10 points per unit; or

- (c) Any major violation within the dwelling remains uncorrected. Any single violation scoring six (6) or more points is considered a major violation.

For purposes of the point calculation in this section, any combination of four (4) rooming units or shared bath units shall constitute one (1) dwelling unit. Points for a

violation in a common area of the structure outside a dwelling unit will not be cumulative on a unit by unit basis. However, twenty-five (25) or more points in the common areas of a structure, including, but not limited to, the entryways, corridors, community rooms, exterior walls and roof, will constitute a substandard structure.

The director of inspections shall cause to be prepared and shall keep on file for public inspection an accurate, complete, and detailed description of each violation used in the point calculation procedure set forth herein. The inspecting officer shall assign points according to the severity of each code violation on a scale from one up to the maximum points possible for such violation. Except when otherwise provided by state law, conditions in the design or structure of a building, such as, but not limited to, the size and dimension of rooms and windows and the electrical and plumbing systems, that were legal under existing codes when built shall not be violations as long as they are maintained in good repair. A violation shall receive maximum points when a required item is completely absent, completely fails to perform its function, or is imminently hazardous to the health or safety of the occupants.

Each code violation shall have the following maximum points:

EXTERIOR VIOLATIONS

TABLE INSET:

Computer Index Number	Violation	Maximum Points
051	Ground cover	2
053	Drainage	2
059	Address numbers	2
111	Repairs/remove garage	2
113	Paint garage	2
115	Repair garage	2
117	Graffiti	1
119	Secure garage	1
121	Repair/replace retaining wall	6
123	Repair/remove/paint fence	1
127	Fence height	1
128	Fence supports	1
129	Fence hazard	3
131	Repair/replace chimney	2
133	Repair/replace roof	4

135	Repair/re move gutters	1
136	Repair/re place exterior walls	6
137	Repair/re place foundatio n	6
139	Rain water drainage	1
141	Repair/re place exterior steps	3
142	Paint trim	2
143	Repair/re place exterior stairs	3
144	Paint siding	3
145	Repair/re place hatchway	2
147	Porch	4
148	Exterior doors	2
149	Repair cornice	4
150	Second floor doors	4
151	Repair/re place balcony	4
155	Repair/re place or provide guardrail	4
157	Repair/re place deck/pati o	4
158	Provide exterior handrail	4
159	Repair/ex terior handrails	4
161	Provide screens	1
162	Provide screen door	1
163	Provide storms	1

164	Provide storm door	1
165	Repair screens	1
167	Repair glass	1
171	Repair/replace	4
175	Registration	1
176	Post registration	1
180	Licensing	1
182	Post licensing	1
<i>OCCUPANCY AND PUBLIC VIOLATIONS</i>		
209	Security doors	2
211	Buzzers	1
212	Repair buzzer	1
214	Repair public area	4
215	Number units	1
216	Clean halls	1
217	Hall-exit lights	4
218	Interior handrails	3
219	Repair interior handrails	3
220	Room(s) too small	6
221	Illegal building	6
222	Unlawful occupancy	6
223	Attic occupancy	6
225	Basement occupancy	6
226	Garage occupancy	6
227	Remove illegal appliance	5

228	Seal garbage chutes	1
229	Seal transoms	2
230	Over occupancy	4
231	Required gas disconnected	10
233	Required water disconnected	10
235	Required electrical disconnected	10
241	Ceiling height	3
243	Minimum 150 sq. ft.	3
245	Minimum 220 sq. ft.	3
251	Repair support system	6
253	Interior stairs	6
261	Fire exits	7
262	Fire egress	7
263	Repair/replace fire door	4
264	Provide closers	4
265	Provide latches	4
267	Blocked fire doors	4
269	Tents and trailers	1
<i>FIRE</i>		
309	Hall door closers	2
310	Exit signs	4
311	10-minute doors	3
313	Flammable liquids	5
315	Repair fire doors	4
317	Clean basement	5
319	Unlock fire doors	4

321	Smoke detectors	10
323	Owner occupant smoke detector	10
325	Repair smoke detector	5
331	8" tread/9" rise	5
333	36" stair width	5
335	Combustible storage	5
341	Provide fire extinguisher	5
343	Recharge fire extinguisher	5
345	Replace old extinguisher	5
371	Stop cooking	2
373	Post no cooking	1
375	Lav/bath facility	4
377	Community kitchen	2
379	Clean rooming house	2
381	No shared bath	5
<i>ELECTRICAL</i>		
411	Outlets	5
412	Faceplates	1
413	Repair outlets	2
415	Panel access	2
417	Illegal wiring	6
421	Extension cords	2
423	Basement fixtures	3
425	Repair/replace fixtures	4

429	Metal pull chains	3
431	Grounded bathroom	3
<i>PLUMBING</i>		
504	Open gas line	10
505	Sagging pipes	2
511	Plumbing repairs	5
513	Clogged	3
514	Plastic gas piping	6
515	Sewer required	10
516	Water to fixtures	10
517	Hot water	6
518	Pressure	5
519	Water heater	6
521	Fixtures required	10
522	Bathroom floor	3
523	Ballcocks	3
524	Faucets	5
525	Toilet seat	2
527	Bathroom door	5
528	Light/ventilation	4
529	Flex lines	5
530	Vent shaft	4
531	Basement toilet	3
<i>HEATING</i>		
611	68 degrees	6
613	One-hour rating	6
621	Makeup air	4
623	Service equipment	6
625	Bleed radiators	1
<i>HOUSING</i>		
710	Repair/replace windows	2
711	Window locks	1

712	Openable windows	3
713	Sash cords	1
714	Doors, locks, hinges	3
715	Repair/replace door	4
716	Shades	1
717	Deadbolt-multiple dwelling	4
718	Deadbolt-single-dx	4
719	Replace lock/double-key	4
726	Weather-strip window	1
727	Weather-strip doors	1
729	Remove previous occupancy junk	2
733	Roaches	2
735	Mice	2
737	Roaches contractor	4
739	Mice contractor	4
749	Repair/replace	4
751	Repair floors	4
753	Repair walls	4
755	Repair ceilings	4
759	Wall surfaces	3
771	Exit windows	8
773	Provide window	6
777	Provide keys	3
779	Mailboxes	2
821	Permitted uses	6
836	Maintain drive	2

(90-Or-235, § 6, 9-14-90; 91-Or-134, § 4, 7-12-91)

244.1925. Condemned and boarded buildings. When a building is condemned as hazardous or unfit for human habitation due to defects in its structure or its electrical, plumbing, or mechanical systems, or boarded under Minnesota Statutes, Section 463.251, requiring a code compliance inspection prior to reoccupancy, the rental dwelling license shall be cancelled on the effective date of the condemnation or boarding. The dwelling shall be eligible to hold a rental dwelling license upon issuance of a code compliance certificate. (91-Or-220, § 2, 11-8-91)

244.1930. Director's determination of noncompliance; notice. (a) If the director of inspections determines that a building or dwelling unit fails to meet the licensing standards set forth in section 244.1910, or section 244.1920, he or she shall mail a notice to the owner or the owner's agent. The notice shall specify the reasons why the building or unit fails to meet the licensing standards in section 244.1910 or section 244.1920 and shall include a copy of the inspection report if applicable.

- (b) If the rental dwelling fails to meet one or more of the standards set forth in section 244.1910, the notice shall indicate that the license holder or applicant has ten (10) days to correct the defects, after which the city council will take action to deny, refuse to renew, revoke, or suspend the license or provisional license.
- (c) If the rental dwelling fails to meet the standards set forth in Section 244.1920, the notice shall indicate that the license holder or applicant has sixty (60) days to correct the defects causing the building to be substandard, after which the city council will take action to deny, refuse to renew, revoke, or suspend the license or provisional license. The director may for good cause authorize additional time to correct defects causing a building to be substandard. If the defects create an imminent hazard to health or safety, the director may proceed immediately for denial, nonrenewal, revocation, or suspension under section 244.1940, or may shorten the deadline for compliance to less than sixty (60) days.
- (d) Whenever a notice of noncompliance is issued under this section, the director of inspections shall also cause a notice to tenants to be prominently posted on the building. The notice shall indicate that a license proceeding has been commenced against the owner because the building has been found to be in violation of the housing maintenance code; that after a stated period of time allowed to bring the building into compliance, the city council may proceed to deny, revoke, or suspend the rental dwelling license for the building; that if the city council denies, revokes, or suspends the license, tenants may be required to vacate the building; that further information can be obtained from the City of Minneapolis Housing Services Office.
- (e) The director of inspections shall send copies of the notice of noncompliance and the notice to tenants to the housing services office. (90-Or-235, § 6, 9-14-90; 95-Or-097, § 3, 6-30-95; 99-Or-163, § 6, 12-17-99)

244.1940. Denial; non-renewal; revocation; suspension. If after any period for compliance under section 244.1930 has expired, the director determines that the dwelling fails to comply with any of the licensing standards in sections

244.1910 or 244.1920, or the director has initiated an action to deny, revoke, suspend, or not renew a license pursuant to section 244.2020, the director shall mail the owner a notice of denial, non-renewal, revocation, or suspension of the license or provisional license. The notice shall state:

- (1) That the director has determined that the building fails to comply with the licensing standards for rental dwellings in section 244.1910 and section 244.1920, that the licensee has failed to take appropriate action following conduct by tenants and/or their guests on the licensed premises under section 244.2020, or that the licensee has failed to submit a written management plan that satisfies the requirements set forth in 244.2020(d).
- (2) The specific reasons why the building fails to meet licensing standards, including copies of applicable inspection reports, or notices sent to licensee of conduct on licensed premises.
- (3) That the director has referred the matter to the city council with a recommendation to deny, not renew, revoke, or suspend the license or provisional license.
- (4) That the city council will deny, refuse to renew, revoke, or suspend the license or provisional license unless the owner appeals the determination within fifteen (15) days after receipt of the notice, in the manner provided in section 244.1960.
- (5) That after denial, nonrenewal, revocation or suspension, the dwelling or the affected dwelling units therein must be vacated, and shall not be reoccupied until all violations are corrected and a license is granted by the city council, (except where an extension of time has been granted by the director of inspections due to weather). Further, no license will be granted by the city council until an approved plan to control conduct on premises has been presented and accepted by the city council if the denial, non-renewal, revocation or suspension was under section 244.2020.
- (6) The notice shall describe how an appeal may be filed under section 244.1960.
- (7) The director shall cause a notice to tenants to be mailed or delivered to each licensed dwelling unit and prominently posted on the building. The notice shall indicate that the rental dwelling license for the building has been denied, revoked, or suspended, whichever is applicable; that the action will become final on a specific date unless the building owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final; that further information can be obtained from the City of Minneapolis Housing Services Office. (90-Or-235, § 6, 9-14-90; 95-Or-097, § 4, 6-30-95; 99-Or-163, § 7, 12-17-99; 2004-Or-007, 1-30-04; 2004-Or-112, § 1, 10-8-04)

244.1945. Reinstatement fee. A fee of one thousand dollars (\$1,000.00) must accompany any application for reinstatement of any license or provisional license that has been denied, revoked or suspended pursuant to 244.1940, if the applicant is a new owner of the property. If the applicant for reinstatement was

the owner of the property when the license or provisional license was denied, revoked or suspended under 244.2020, a fee of three thousand dollars (\$3,000.00) must accompany any application for reinstatement. This reinstatement fee is in addition to the license fees imposed pursuant to section 244.1880. (99-Or-163, § 8, 12-17-99; 2009-Or-044, § 3, 5-22-09)

244.1950. Reserved.

Editor's note: Ord. No. 2009-Or-042, § 1, adopted May 22, 2009, repealed § 244.1950, which pertained to rental dwelling license board of appeals. See also the Code Comparative Table.

244.1960. Appeals procedure. (a) Any person wishing to appeal a determination of the director recommending denial, nonrenewal, revocation, or suspension of a license or provisional license shall file a written notice of appeal with the department of inspections within fifteen (15) days after receipt of the notice of denial, nonrenewal, revocation, or suspension. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee of three hundred dollars (\$300.00). All appeals shall be heard by an administrative hearing officer pursuant to Title 1, Chapter 2 of this Code.

- (b) At the hearing, the hearing officer shall hear all relevant evidence and argument. The hearing officer may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The hearing officer shall record the hearing and keep a record of documentary evidence submitted.
- (c) The hearing officer shall render a decision in writing within thirty (30) days after the close of the hearing. The decision shall determine whether the building, or dwelling units therein, meets the licensing standards of sections 244.1910, 244.1920, or 244.2020, and shall specify the factual and legal basis for the determination.
- (d) The hearing officer shall mail a copy of the decision to the license holder or applicant and to each licensed dwelling unit.
- (e) The hearing officer shall refer the decision to the city council, which shall have final authority to issue, deny, renew, revoke, or suspend the license. The city council may hear argument from the license holder/applicant, but shall take no further evidence. The city council may affirm, modify, or reverse the decision of the hearing officer.
- (f) The final decision of the city council shall be mailed to the license holder or applicant.
- (g) A notice to tenants of the final decision shall be mailed to each occupant and prominently posted on the building. The notice shall indicate the date upon which tenants must vacate the building and shall clearly indicate which dwelling units are affected. The notice shall indicate that further information and relocation assistance can be obtained from the City of Minneapolis Housing Services Office. (90-Or-235, § 6, 9-14-90; 99-Or-163, § 10, 12-17-99; 2009-Or-042, § 2, 5-

22-09)

244.1970. Vacation of affected dwelling units. When an application for rental dwelling license has been denied, or a rental dwelling license or provisional license has been revoked, suspended, or not renewed, or when the owner has not obtained a current rental dwelling license or provisional license upon proper application as required by this chapter, the director of inspections shall order the dwelling or the affected dwelling units therein vacated, giving tenants a reasonable time to arrange new housing and to move their possessions. (90-Or-235, § 6, 9-14-90; 96-Or-129, § 2, 12-13-96)

244.1980. Operation of rental dwelling without license a misdemeanor. A person who allows to be occupied, lets or offers to let to another, any dwelling unit, without a license as required by this article, is guilty of a misdemeanor, punishable as provided in section 1.30 of this Code. The practice of pre-leasing new rental construction shall be exempt from the provisions of this section. (90-Or-235, § 6, 9-14-90; 96-Or-129, § 3, 12-13-96; 2008-Or-016, § 5, 2-29-08)

244.1985. Unauthorized removal of notices a misdemeanor. Any person who removes, defaces, tampers or in any way interferes with any notice posted pursuant to this article, is guilty of a misdemeanor, punishable as provided in Section 1.30 of this Code. (99-Or-163, § 11, 12-17-99)

244.1990. Remedies in this article not exclusive. The remedies provided in this article are not exclusive. They are in addition to, and do not supersede or preempt, other remedies such as condemnation, written violation orders and warnings, criminal charges for violation of substantive provisions of any city or state code relating to housing maintenance, fire safety, building codes, zoning, health, and the like. Further, the remedies in this article do not supersede or affect the legal rights and remedies of tenants provided under state law or this Code. (90-Or-235, § 6, 9-14-90)

244.2000. Duties of licensee. Every holder of a rental dwelling license or provisional license shall:

- (a) Post his or her license certificate, along with any other required informational posting as approved by the director of inspections, when the certificate or required informational posting is received from the director of inspections. The certificate and required informational posting shall be conspicuously posted in a frame with transparent cover in a public corridor, hallway, or lobby of the dwelling for which it is issued. For other than multiple dwellings, the certificate shall be prominently posted at or near the front entrance of the building.
- (b) Maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation, within the building. The

register shall be kept current at all times. The licensee shall designate the person who has possession of the register. The register shall be available for review by the director or his or her authorized representatives at all times.

- (c) Permit the director of inspections and his or her authorized representatives, either voluntarily or pursuant to an administrative or other warrant, to enter upon the premises for the purpose of conducting inspections to verify compliance with the housing maintenance code, and the fire, health, zoning and building codes of the city. Such inspections shall be made at such frequencies as the director in his or her sole judgment shall deem appropriate and necessary, and when practical shall provide reasonable advance notice to the license holder or a managing agent.
- (d) The owner of any dwelling which is required to be licensed by this chapter shall, prior to the time of sale of said dwelling, notify the buyer in writing of all unabated orders and violation tags issued by the department of inspections pertaining to said dwelling, as well as the requirement of law that said dwelling, upon acquisition by a new owner, must be licensed with the director of inspections. A copy of the notification shall be mailed to the director of inspections within five (5) days of furnishing the notification to the buyer. If the dwelling is owned by a corporation, an officer of said corporation shall carry out the notification required by this section. If the property is owned by more than one person, a notification by one of the owners shall satisfy this section. For the purposes of this section, "time of sale" shall be construed to mean when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement, upon the execution of any document providing for the conveyance of a dwelling required to be licensed.
- (e) Upon written order of the director of inspections or an authorized representative of the director, the licensee shall provide the director or authorized representative, within the ten (10) days, the following information: the number of dwelling, rooming, and shared bath units in the building, specifying for each unit, the floor number, and unit number and/or letter and/or designation.
- (f) Submit current application information as required by section 244.1860 of this chapter. (90-Or-235, § 6, 9-14-90; 91-Or-016, § 1, 1-25-91; 97-Or-056, § 9, 6-27-97; 2007-Or-032, § 1, 5-11-07)

244.2010. Notices. Whenever a notice is required to be sent to or served upon the licensee of a rental dwelling under this article, notice shall be deemed sufficient if sent by first class mail to the owner or owner's designated agent at the address specified in the last license application filed in the department of inspections under section 244.1840. If a notice sent to the address specified in the last license application is returned, and the owner or owner's agent cannot be found, then notice shall be sent to the person designated in the last license application, under subsection 244.1840(3), as responsible for the maintenance and management of the premises, or any other known caretaker or manager,

and a notice shall also be posted on the building.

Every licensee shall notify the inspections division within ten (10) days of any changes in the names, addresses, and other information concerning the persons listed in the last license application filed with the division. Whenever notice is required to be sent or delivered to tenants of a dwelling unit under this article, notice shall be sufficient if sent by first class mail to the tenants or occupants of each licensed dwelling unit at the address specified in the license application or the register that the licensee maintains pursuant to section 244.2000(b). (90-Or-235, § 6, 9-14-90; 99-Or-163, § 12, 12-17-99)

244.2020. Conduct on licensed premises. (a) It shall be the responsibility of the licensee to take appropriate action, with the assistance of crime prevention specialists or other assigned personnel of the Minneapolis Police Department, following conduct by tenants and/or their guests on the licensed premises which is determined to be disorderly, in violation of any of the following statutes or ordinances, to prevent further violations.

- (1) Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling;
 - (2) Minnesota Statutes, Section 609.321 through 609.324, which prohibits prostitution and acts relating thereto;
 - (3) Minnesota Statutes, Sections 152.01 through 152.025, and Section 152.027, Subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
 - (4) Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages;
 - (5) Section 389.65 of this Code, which prohibits noisy assemblies;
 - (6) Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and section 393.40, 393.50, 393.70, 393.80, 393.90 and 393.150 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon; or
 - (7) Minnesota Statutes, Section 609.72, and Section 385.90 of this Code, which prohibit disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least two (2) units on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.
- (b) The police department and the inspections division shall be jointly responsible for enforcement and administration of section 244.2020.
- (c) Upon determination by a crime prevention specialist, or other assigned police department employee, utilizing established procedures, that a licensed premises was used in a disorderly manner, as described in subsection (a), the responsible crime prevention specialist or other assigned police department employee shall notify the licensee by mail of the violation and direct the licensee to take appropriate action with the assistance of the Minneapolis Police Department to prevent further violations. If the instance of disorderly use of the licensed premises involved conduct specified in paragraphs (a)(2), (a)(3) or (a)(6) of this

section the licensee shall submit a satisfactory written management plan to the police department within ten (10) days of receipt of the notice of disorderly use of the premises. The written management plan shall comply with the requirements established in paragraph (d) of this section. The licensee shall implement all provisions of the written management plan within twenty (20) days after acceptance of the management plan by the crime prevention specialist or other assigned police department employee. The notice provided to the licensee of the violation shall inform the licensee of the requirement of submitting a written management plan. That notice shall further inform the licensee that failure to submit a written management plan or failure to implement all provisions of the management plan within twenty (20) days after its acceptance may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license. The established procedures manual is available to the public from the Minneapolis Police Department.

- (d) If another instance of disorderly use of the licensed premises occurs within eighteen (18) months, if the premises contains between one (1) and six (6) distinct and separate residential units, or within twelve (12) months, if the premises contains more than six (6) distinct and separate residential units, of an incident for which a notice in subsection (c) was given, the crime prevention specialist or other assigned police department employee shall notify the licensee by mail of the violation. The licensee shall submit a satisfactory written management plan to the police department within ten (10) days of receipt of the notice of disorderly use of the premises. The written management plan shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding twelve (12) months. The written management plan shall also detail all actions taken and proposed to be taken by the licensee to prevent further disorderly use of the premises. The licensee shall implement all provisions of the written management plan within twenty (20) days after acceptance of the management plan by the crime prevention specialist or other assigned police department employee. The notice provided to the licensee of the violation shall inform the licensee of the requirement of submitting a written management plan. That notice shall further inform the licensee that failure to submit a written management plan or failure to implement all provisions of the management plan within twenty (20) days after its acceptance may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license. The licensee or the listed agent/contact person for the licensee shall also successfully complete a property owner's workshop at the direction of and in accordance with a schedule set forth by the police department. Any costs associated with that workshop will be the sole responsibility of the licensee. The notice provided to the licensee of the violation shall inform the licensee of the requirement of the licensee or the listed agent/contact person for the licensee of the requirement to successfully complete a property owner's workshop. That notice shall further inform the licensee that failure to successfully complete the property owner's workshop may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license.
- (e) When required by paragraph (d), the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed if the licensee fails to submit a written management plan that satisfies the requirements set forth in paragraph (d), or if the licensee fails to timely implement all provisions of an accepted written management plan, or if the licensee or the listed agent/contact person for

- the licensee fails to successfully complete a property owner's workshop after a minimum of two (2) approved workshops have been scheduled, offered and held. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the director of inspections in the manner described in section 244.1940, and shall proceed according to the procedures established in sections 244.1950, 244.1960, and 244.1970.
- (f) If another instance of disorderly use of the licensed premises occurs within eighteen (18) months, if the premises contains between one (1) and six (6) distinct and separate residential units, or within twelve (12) months, if the premises contains more than six (6) distinct and separate residential units, after the second of any two (2) previous instances of disorderly use for which notices were sent to the licensee pursuant to this section, the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the director of inspections in the manner described in section 244.1940, and shall proceed according to the procedures established in sections 244.1950, 244.1960, and 244.1970.
- (g) No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days after a notice is given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or his/her guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the crime prevention specialist or other assigned police department employee within ten (10) days of receipt of the violation notice. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued by the director of inspections at any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly use.
- (h) A determination that the licensed premises have been used in a disorderly manner as described in subsection (a) shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section. (90-Or-235, § 6, 9-14-90; 91-Or-071, § 1, 4-26-91; 92-Or-019, §§ 1, 2, 2-21-92; 95-Or-097, § 5, 6-30-95; Ord. No. 98-Or-142, § 1, 12-4-98; 99-Or-163, § 13, 12-17-99; 2004-Or-112, § 2, 10-8-04; 2005-Or-142, § 1, 12-23-05; 2008-Or-090, § 1, 11-21-08)

ARTICLE XVII. CARBON MONOXIDE

244.2100. Carbon monoxide alarm requirements. There is hereby adopted as an ordinance of the city, Minnesota Statute Sections 299F.50 to 299F.51. (2008-Or-024, § 3, 4-4-08)