

Chapter 6

BUILDINGS

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ARTICLE I. IN GENERAL

Section 01. Application, Administration, and Enforcement

The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule Chapter 1300. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, Subdivision 1, when so established by this ordinance.

The code enforcement agency of the City of Chaska is called the Department of Building Safety.

This code shall be enforced by the Minnesota Certified Building Official designated by the City of Chaska to administer the code (Minnesota Statute 16B.65) Subdivision 1.

Section 02. Permits and Fees

The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, Subdivision 1.

Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the City of Chaska in Code of Ordinances, Chapter 6, Table 1-A and included in this ordinance. In addition, when submittal documents are required, a plan review fee shall be collected at 50% for residential plans and 65% for commercial/industrial plans of the normal building permit fee. The plan review fees specified in this section are separate fees from the permit fees specified and are in addition to the permit fees.

An investigation fee, in addition to the permit fee, shall be collected whenever any work for which a permit is required by this code has been commenced without first obtaining said permit. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

A reinspection fee may be assessed for each reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Reinspection fees may be assessed when the inspection record card is not readily available, approved plans are not readily available, failure to provide access on the date for which inspection is requested, or for deviating from

plans requiring the approval of the building official. The fee shall be in accordance with Table 1-A as set forth in the fee schedule adopted by the jurisdiction.

Fee refunds may be authorized by the Building Official of any fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

TABLE 1-A: BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof.

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge -- two hours)	\$47.00 per hour ¹
2. Reinspection fees assessed under provisions of Section 02	\$47.00 per hour ¹
3. Inspections for which no fee is specifically indicated (minimum charge - one-half hour)	\$47.00 per hour ¹
4. Additional plan review required by changes, additions or revisions to plans (minimum charge -one-half hour)	\$47.00 per hour ¹
5. For use of outside consultants for plan checking and inspections, or both	Actual costs ²

1. Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
2. Actual costs include administrative and overhead costs.

Section 03. Violations and Penalties.

A violation of the code is a misdemeanor (Minnesota Statute 16B.69) and Minnesota Rules, Chapter 1300.

Section 04. Building Code.

The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 is hereby adopted as the building code for the City of Chaska. The code is hereby incorporated in this ordinance as if fully set out herein.

(a) The Minnesota State Building Code includes the following chapter of Minnesota Rules:

1. 1300 - Administration of the *Minnesota State Building Code*;
2. 1301 - Building Official Certification;
3. 1302 - State Building Construction Approvals;
4. 1303 - Minnesota Provisions;
5. 1305 - Adoption of the *2000 International Building Code*;
6. 1306 - Special Fire Protection Systems;
7. 1307 - Elevators and Related Devices;
8. 1309 - Adoption of the *2000 International Residential Code*;
9. 1311 - Adoption of the *2000 Guidelines for the Rehabilitation of Existing Buildings*;
10. 1315 - Adoption of the *2002 National Electrical Code*;
11. 1325 - Solar Energy Systems;
12. 1330 - Fallout Shelters;
13. 1335 - Floodproofing Regulations;
14. 1341 - *Minnesota Accessibility Code*;
15. 1346 - Adoption of the *Minnesota State Mechanical Code*;
16. 1350 - Manufactured Homes;
17. 1360 - Prefabricated Structures;
18. 1361 - Industrialized/Modular Buildings;
19. 1370 - Storm Shelters (Manufactured Home Parks);
20. 4715 - Minnesota Plumbing Code;
21. 7670, 7672, 7674, 7676, and 7678, *Minnesota Energy Code*.

(b) The City of Chaska may adopt by reference any or all of the following optional chapters of Minnesota Rules: Chapter 1306 - Special Fire Protection Systems; and Chapter 1335 – Floodproofing Regulations, parts 1335.0600 to 1335.1200.

(c) The City of Chaska may adopt by reference appendix Chapter K (Grading), of the 2001 Supplements to the International Building Code.

The following optional provisions identified in Section 4, Subparts B and C are hereby adopted and incorporated as part of the building code for the City of Chaska.

1. 1306.0020 Subpart 2
2. 1306.0030 E Option 1

Sections 05 through 20. Reserved.

ARTICLE II. MOVING OF BUILDINGS

Section 21. Definitions.

For the purpose of this article the following terms, phrases, conditions and variations shall have the meanings given herein.

Building: Is a structure designed, built or occupied as a shelter and roofed enclosure for persons, animals or property, used or intended to be used for residential, business, mercantile, storage, commercial, industrial, residential assembly, educational or recreational, or other purposes.

Building Inspector: Is the Building Inspector of the City of Chaska.

City: Is the City of Chaska.

Person: Is any person, firm, partnership, association, corporation, company or organization of any kind.

Removal location: Is any location in the City of Chaska to which a building may properly be moved, and on which such building may properly be located after such moving under the provisions of this article. (Ord. No. 233, Sec. 1, 3/29/76)

Section 22. House movers to be licensed.

No person shall move, remove, raise, or hold up any building within the limits of the City of Chaska, unless such person shall be licensed by the State of Minnesota D.O.T. to engage in such occupation.

Section 23. Revocation of license.

Upon presentation to the City Council of satisfactory proof that any such licensee has proved incompetent to properly carry on such work of moving, raising or holding up buildings or has proceeded with any such work in such manner as to endanger people or property or upon conviction for failure to comply with this article or related ordinances or for other good cause, the City Council may revoke the City's Building Moving Permit. (Ord. No. 233, Sec. 4, 3/29/76)

Section 24. Permits required.

(a) No licensed person shall move, remove, raze, or hold up any building within the limits of the City of Chaska without first obtaining a permit from the Building Inspector.

(b) No licensed person shall move any building over, along or across any highway, street in the City of Chaska without first obtaining a permit from the Building Inspector. (Ord. No. 233, Sec. 5, 3/29/76)

Section 25. Application.

A person seeking issuance of a permit hereunder shall file an application for such permit with the Building Inspector.

(a) *Form.* The application shall be made in writing, upon forms provided by the Building Inspector, and shall be filed in the office of the Building Inspector.

(b) *Contents.* The application shall set forth:

- (1) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior, and photographs, showing ground and street elevations;
- (2) A legal description of the premises from which the building is to be moved;

- (3) A legal description of the promises to which it is proposed such building be moved, if located in the City;
 - (4) The portion of the premises to be occupied by the building when moved, if located in the City;
 - (5) The highways, streets and alleys over, along or across which the building is proposed to be moved;
 - (6) Proposed moving date and hours.
- (c) *Accompanying papers.*
- (1) Tax certificate. The owner of the building to be moved into the City shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and any other charges against the same are paid in full.
 - (2) Certificate of ownership or entitlement. The applicant shall file with the application a written statement or bill of sale or other sufficient evidence that he is entitled to move the building.
 - (3) Said application shall be accompanied by a permit fee in the sum of twenty-five dollars (\$25.00) plus a sufficient sum to cover the costs or expenses of the City as set forth in Section 29 hereof. (Ord. No. 233, Sec. 6, 3/29/76)

Section 26. Deposit for expense to City.

Upon receipt of an application it shall be the duty of the Building Inspector to procure an estimate of the expense that will be incurred in removing and replacing any electrical wires, street lamps, or pole lines belonging to the City or any other property of the City, the removal and replacement of which will be required by reason of the moving of the building through the City, together with the cost of materials necessary to be used in making such removals or replacement. Prior to issuance of the permit the Building Inspector shall require of the applicant a deposit of a sum of money equal to twice the amount of the estimated expense. (Ord. No. 233, Sec. 8, 3/29/76)

Section 27. Duties of the Building Inspector.

- (a) *Inspection.* The Building Inspector shall inspect the building wherever located, and the applicant's equipment to determine whether the standards for issuance of a permit are met.
- (b) *Standards for issuance.* The Building Inspector shall refuse to issue a permit if he finds:
 - (1) That any application requirement of any fee or deposit requirement has not been complied with;
 - (2) That the building is too large to move without endangering persons or property in the City;
 - (3) That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the City;
 - (4) That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the City;
 - (5) That the applicant's equipment is unsafe and that persons and property would be endangered by its use;
 - (6) That zoning or other ordinances of the City would be violated by the building in its removal location;

- (7) That for any reason persons or property in the City would be endangered by the moving of the building;
 - (8) That the building in its removal location would fail to comply in any respect with any provision of any ordinance of the City, or, in the alternative, that proper assurances of such compliance have not been given;
 - (9) The Building Inspector shall procure from the Street Department a list of designated streets over which the building may be moved. The Building Inspector shall have the list approved by the Chief of Police and shall reproduce the list upon the permit in writing. In making their determinations, the Street Department and the Chief of Police shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets.
- (c) *Public hearing.* No building may be moved to an intended removal location in the City without first having said removal location approved by Resolution of the City Council.

Upon the Building Inspector receiving an application to move a building to a removal location in the City the Building Inspector shall refer said completed application to the Zoning Administrator who shall give written notice of a hearing on said application to the property owners within three hundred fifty (350) feet of the proposed removal location; failure of any property owner to receive such notification shall not invalidate such proceeding.

The Zoning Administrator shall also give ten (10) days published notice of said hearing in the official newspaper. The Planning Commission shall conduct said hearing as a public hearing; the Building Inspector shall be in attendance and submit such documentary, photographic and other evidence he deems necessary. The Planning Commission shall then make its recommendation to the City Council either approving, denying or conditionally approving said application. In making its recommendations the Planning Commission shall take into consideration the following:

- (1) Whether the building is at such a variance with either the established or expected pattern of building development within the neighborhood that it would destroy the harmony and blending and overall appearance of the neighborhood.
 - (2) The extent of variance, if any, based upon findings of a comparative study of age, bulk, architectural style and quality of construction.
 - (3) The building, if permitted, will not substantially diminish or impair property value within the neighborhood.
- (d) *Fees and deposits.*
- (1) Deposit. The Building Inspector shall receive from the owner or applicant all fees and deposits, and forward to the City Treasurer.
 - (2) Return upon non-issuance. Upon denying a permit, the Building Inspector shall direct the City Treasurer to return to the applicant all deposits. The permit fee filed with the application shall not be returned.
 - (3) Return upon allowance for expenses. After the building has been removed, the Building Inspector shall furnish the City Clerk with a written statement of all expenses incurred and all damage caused to or inflicted upon the property belonging to the City by reason of the move. The City Clerk shall authorize the City Treasurer to return to the applicant all deposits after deducting a sum sufficient to pay for all costs and expenses for all damages done to the property by the City. The permit fee deposited with the application shall not be returned. The permittee or licensee shall be liable for

any expenses, damages, or costs in excess of the deposited amounts or security. (Ord. No. 233, Sec. 9, 3/29/76)

Section 28. Duties of permittee.

Every permittee under this article shall:

(a) *Use designated streets.* Move a building only over streets designated for such use in the written permit.

(b) *Notify of revised moving time.* Notify the Building Inspector in writing of a desired change in moving date and hours as proposed in the application.

(c) *Notify of damage.* Notify the Building Inspector in writing of any and all damage done to property belonging to the City within twenty-four (24) hours after the damage or injury has occurred.

(d) *Display lights.* Cause red lights to be displayed during the nighttime on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.

(e) *Street or other occupancy.* No building not on a foundation or attached to the ground in such way as is approved by the Building Inspector shall be allowed to remain in the City for more than twenty-four (24) hours except when located on a removal location in the City; any building moved to a removal location in the City must be placed on a permanent foundation or attached to the ground as approved by the Building Inspector within seventy-two (72) hours of its removal to said location, unless an extension is granted by the Zoning Administrator upon good cause shown. No building shall be stored or allowed to stand on a City street for more than eight (8) hours without having received permission to do so from the Chaska City Police Department.

(f) *Comply with governing law.* Comply with the building code, the zoning code and all other applicable ordinances and laws upon relocating the building in the City.

(g) *Clear old premises.* Remove all rubbish and materials and fill all excavations to existing grade at the original building site, when located in the City, so that the premises are left in a safe and sanitary condition.

(h) *Public utilities.* The City Clerk must certify that all sewer charges and water bills payable against the property within the City of Chaska from which the building is to be moved have been paid and that all sewer and water connections have been plugged or discontinued at the curb line or at the main and that all taxes against said property have been paid in full.

(i) *Painting.* Paint or cause to be painted all exterior walls, doors and door frames, window frames as well as screen and storm windows of the building moved, unless waived by the Building Inspector.

(j) *Grading and grassing.* Install or cause to be installed a finished grade on all parts of the premises on to which such building is moved, including the planting, seeding, or installation of live sodding or appropriate grasses on all parts of the plot or parcel involved.

(k) *Roofing.* Install or cause to be installed new roofing upon such building whenever, in the opinion of the Building Inspector, the existing roofing is unsightly, dilapidated or leaking.

(l) *Drainage.* Shall construct and provide all necessary and proper drainage for the premises on to which such building is moved, such drainage to be installed and constructed according to plans to be submitted by the owner and approved by the Building Inspector and the City Engineer, if determined necessary by the Building Inspector.

(m) *Completion of remodeling.* If the building is relocated in this City, complete within ninety (90) days after removal, all remodeling, additions, or repairs as shown on the plans accompanying the application. (Ord. No. 233, Sec. 10, 3/29/76)

Section 29. Enforcement.

(a) *Permittee liable for expense above deposit.* The permittee shall be liable for any expenses, damages or costs in excess of deposited amounts or securities, and the City Attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

(b) *Original premises left unsafe.* The City shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition, where permittee does not comply with the requirements of this article and the cost thereof shall be charged against the general deposit. (Ord. No. 233, Sec. 11, 3/29/76)

Section 30. Hours.

No building shall be moved across any railroad or bridge, unless the hour be specified and approved by the company or governmental unit controlling such tracks or bridge.

Section 31. Moving buildings into City.

Any person, firm, association or corporation desiring to move any building to within the limits of the City of Chaska from outside of such limits shall comply with the following additional requirement:

Notify the Building Inspector of the City of Chaska prior to the process of moving of such building in sufficient time so that the Building Inspector may make all necessary inspections in order to determine whether such building complies with the applicable ordinances of the City of Chaska and for purpose of determining the appropriateness of the structure as provided in Section 27(c) of this chapter. (Ord. No. 233, Sec. 13, 3/29/76)

Section 32. Miscellaneous conditions.

(a) It is not intended by this article to interfere with or abrogate or annul any easement, covenant or other agreement between parties, provided however, that when this article imposes a greater or heavier restriction than is imposed or required by any other ordinance, rule, regulation or by easements, covenants, or agreements, the provisions of this article shall control.

(b) Every applicant, permittee or licensee shall pay in addition to all other required fees, an additional fee of twenty-seven cents (\$0.27) per mile to be traveled by the Building Inspector in making any inspection under the provisions of this article or any other ordinance of the City computed from the City Hall to the site location or premises where an inspection is to be made, together with a fee of thirty-five dollars (\$35.00) per hour for the Building Inspector for time spent in connection with such inspection.

(c) Any applicant to whom a permit has been denied by the Building Inspector may appeal to the City Council. The applicant shall submit a notice of appeal to the City Clerk in writing, and the matter shall be heard by the City Council at a regular or special meeting to be held within forty (40) days after filing of the notice of appeal. The City Council may affirm, reverse or modify the action of the Building Inspector. (Ord. No. 233, Sec. 14, 3/29/76)

Section 33. Non-applicability.

(a) The permit requirements of this article shall not apply to mobile homes, trailer coaches or modular type structures and similar types of structures licensed by the State of Minnesota for travel upon the highways or which do not require a special permit for travel from the State of Minnesota or any of its political subdivisions. Nor shall the permit provisions hereof apply to other buildings sixteen (16) feet wide by twenty (20) feet in length and thirteen (13) feet six (6) inches high when loaded on a vehicle, or less.

(b) The provisions of this article shall not apply to the raising of a structure for purposes of repairing or reconstructing the foundation of a residential home when the person doing the raising owns said building and said building is used or intended to be used by said person at this residence. (Ord. No. 233, Sec. 15, 3/29/76)

Sections 34 through 45. Reserved.

ARTICLE III. HOUSING MAINTENANCE/INSPECTION AND LICENSING

DIVISION 1. GENERALLY

Section 46. Adoption of Rental Housing Maintenance/Inspection and Licensing Program.

(a) For the purpose of establishing uniform rules and regulations for rental housing, known as the 1991 Uniform Housing Code is hereby adopted, confirmed and incorporated in this Ordinance as completely as if set out in full.

(b) In the event there is a conflict between the provisions of the Code adopted by reference within this Section and the other provisions of this Code of Ordinances, the City's Code of Ordinances shall prevail.

Section 47. Title and scope.

(a) *Legislative finding.* It is hereby found that there exist in the City of Chaska structures used for human habitation which are not owner occupied and are now, or may become in the future, substandard with respect to structure, equipment, or maintenance, and further that such conditions, together with inadequate provisions for light and air, insufficient protection against fire hazards, lack of proper heating, unsanitary conditions, and overcrowding, constitute a threat to public health, safety, and welfare. It is hereby found therefore that adequate protection of public health, safety, and welfare requires the establishment and enforcement of minimum housing maintenance standards.

(b) *Title.* This Ordinance shall be known, cited, and referred to as the "Chaska Rental Housing Maintenance/Inspection and Licensing Program", except as referred to herein, where it shall be known as "this Ordinance".

(c) *Purpose.* The purpose of this Ordinance is to protect, preserve, and promote the public health, safety, and the general welfare of the people of the City, to prevent housing conditions that

adversely affect or are likely to adversely affect the life, safety, general welfare, and health, including the physical, mental, and social well-being of persons occupying dwellings within Chaska and which dwellings are not owned by said occupants, to provide minimum standards for basic equipment and facilities for light, ventilation, and thermal conditions, for safety from fire, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; to preserve the value of land and buildings throughout the City; and to provide for the administration and enforcement thereof.

(d) *Discrimination and privacy.* This Ordinance shall be enforced in a nondiscriminatory manner and exclusively for the purpose of promoting public, as opposed to private, welfare. Except as may be specifically provided herein or incidental to the enforcement hereof, this Ordinance is not intended to interfere with personal privacy or with private legal rights and liabilities, including without limitation landlord/tenant and lessor/lessee relationships, and in enacting and enforcing this Ordinance, the City neither expressly nor by implication assumes any obligations or liabilities respecting such private rights or disputes, including those which involve or arise out of the nonconformity of any premises in the City to the provisions of this Ordinance.

(e) *Application.* The provisions of this Housing Maintenance/Inspection and Licensing Program shall provide minimum requirements to safeguard health, property and public welfare by regulating and controlling the use, occupancy, location and maintenance of all buildings, structures and accessory structures within the City of Chaska, designed or intended to be used for human habitation; the applicable requirements contained herein shall apply to all rental structures, accessory structures, rooming houses, lodging and/or boarding houses, apartments and manufactured homes used for human habitation; and same shall not apply to owner occupied structures. Said provisions of this Ordinance shall apply irrespective of when such building may have been or may be considered altered, or repaired.

(f) *Conflict of Ordinances.* In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, health ordinance or code of this City, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

(g) *Effect of partial invalidity.* If any subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

(h) *Alteration.* Existing buildings which are altered or enlarged shall be made to conform to Uniform Building Code (UBC) insofar as new work, alterations or enlargements are concerned. If the alterations are such that they cause or threaten to cause unsafe conditions in the unaltered portions of a building or threaten the safety or safe operation of other nearby structures, then said alterations are prohibited unless the affected structures are also brought into compliance with this and/or other appropriate codes.

(i) *Requirements for repair and replacement work.* Any person doing any repair and/or replacement work on any rental residential building, structure and accessory structure covered in this Code shall complete the repair and/or replacement work in compliance with the standards contained in the definitions of repair and/or replacement in Division 2, Section 61 herein.

(j) *Relocation.* Existing buildings which are moved or relocated shall be considered as new buildings and shall comply with all requirements of this Code.

Sections 48 through 50. Reserved.

DIVISION 2. ENFORCEMENT

Section 51. Enforcement/Responsibilities.

(a) *Authority.* The Building Official is hereby authorized and directed to enforce all the provisions of this Code.

(b) *Right of entry.* Upon presentation of proper credentials the Building Official or the Building Official's duly authorized representatives may enter at reasonable times any building, structure, or premises in the City to perform any duty imposed upon him by this Code.

(c) *Privacy.* The Building Official shall keep confidential all evidence exclusive of the inspection record, which the Building Official may discover or obtain in the course of any inspection made pursuant to this section and such evidence shall be considered privileged.

(d) *Responsibilities defined.*

- (1) Every owner remains liable for violations of duties imposed by this Code even though an obligation is also imposed on the occupants of the owner's building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Code.
- (2) Every owner, or the owner's agent, in addition to being responsible for maintaining the building in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition including the shared or public areas in a building containing two or more dwelling units.
- (3) Every owner shall furnish and maintain approved sanitary facilities and shall furnish and maintain approved equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests.
- (4) Heating Rental Properties. Every owner, operator or manager of any building who rents, leases or lets for human habitation any habitable room or unit contained within such building on terms, either expressed or implied, to supply or furnish heat to the occupants thereof, shall have the capability of maintaining a minimum temperature of 70 degrees Fahrenheit between September 1 and June 1 inclusive, from a location within the room or unit at a point three (3) feet above the floor level and not closer than thirty-six (36) inches from any wall. The heating equipment shall be properly installed and maintained throughout the year.
- (5) All occupants shall keep their premises in a safe and sanitary condition.
- (6) Every occupant of a dwelling unit, in addition to being responsible for keeping the dwelling or dwelling unit or premises which they occupy and control, in a clean, sanitary and safe condition, shall dispose of all rubbish, garbage and other organic waste.

Section 52. Hazardous buildings.

All buildings or portions thereof which are determined to be substandard as defined in this Code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Chapter 11 of the Uniform Housing Code, 1991 Edition.

Section 53. Posting to prevent occupancy.

The Building Official may post any rental building or structure under the Building Official's jurisdiction to prevent further occupancy of a building which is found to be in direct violation of the Code. Posting will occur if any owner, agent, licensee or other responsible person has been notified by inspection report of the items which must be corrected within a certain stated, reasonable period of time and that the responsible person or persons has failed to correct the cited items. In cases of emergency, a building or premises may be immediately posted and the occupants, if any, evaluated. No person shall remove or tamper with any placard used for posting. No person shall reside in, occupy or cause to be occupied any building, structure or dwelling which has been posted to prevent occupancy.

Section 54. Appeals.

Whenever the Building Official shall take action which is disputed, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongfully interpreted, the aggrieved party may appeal within thirty (30) days from the date of the decision of the Building Official to the Board of Appeals and Adjustments. Actions of the Board may also be appealed to the Courts for final decision.

Section 55. Procedure for conduct of hearing appeals.

(Reference Section 14.2, Board of Appeals, Zoning Ordinance).

Section 56. Permits and inspections.

The following repairs are exempt from building permit requirements, if they do not affect or involve any plumbing, electrical, mechanical, structural or subsurface member and if the repair returns the affected area to its intended original condition:

- Paint
- Roofing/Gutters/Downspouts
- Trim/Moldings/Shutters/Decorations
- Glass (but not window frames)
- Weather-stripping/Caulking/Tuck Pointing
- Walks/Landscape Masonry (if not on City easement)
- Non-Structural Hardware
- Finish Flooring/Carpets
- Door Slabs (but not door frames)
- Fences

Sections 57 through 60. Reserved.

DIVISION 3. DEFINITIONS

Section 61. Definitions.

For the purpose of this Code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified. Words used in the singular include the plural and the singular. Words used in the masculine gender include the feminine and the masculine. Terms, words, phrases and their derivatives used but not specifically defined in this Code shall have the meaning defined in Chapter 4 of the Uniform Building Code.

Accessory Building or Structure: Accessory building or structure shall mean a detached building or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises.

Apartment House: Apartment house is any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of two (2) or more families living independently of each other performing their own cooking services in the apartment house. Said definition includes the rented portion of an owner/occupied duplex.

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.

Board of Appeals: Board of Appeals, when used herein, shall mean the Board of Appeals and Adjustments of the City of Chaska.

Boarding House: A dwelling unit where lodging with or without meals is provided for compensation and occupied by three (3) or more persons, but not to exceed eight (8) persons.

Building: Any structure having a roof supported by columns or walls. When divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Official: The Building Official shall be defined as the person or persons designated as Building Official by the City Administrator.

Bulk Container: Bulk container shall mean any metal garbage, rubbish and/or refuse container having a capacity of two (2) cubic yards or greater and which is equipped with fittings for hydraulic and/or mechanical emptying, unloading and/or removal.

Clean: The absence of rubbish, garbage, vermin or other unsightly, offensive or extraneous matter.

Dormitory: Dormitory shall mean a building or group of rooms in a building used for institutional living and sleeping purposes by four (4) or more persons.

Dwelling: Dwelling shall mean any space wholly or partially used or intended to be used for living, sleeping, cooking, and eating; provided that temporary housing as hereinafter defined shall not be classified as a dwelling. Industrialized housing and modular construction which conform to nationally accepted industry standards and used or intended for use for living, sleeping, cooking and eating purposes shall be classified as dwellings. Single-family, two-family and multiple family dwellings are as follows:

(a) *Dwelling, Single-Family.* A residential building containing one (1) dwelling unit including detached, semi-detached and attached dwelling.

(b) *Dwelling, Two-Family.* A residential building containing two (2) dwelling units including detached, semi-detached, and attached dwelling.

(c) *Dwelling, Multiple Family.* A building or portion thereof containing three (3) or more dwelling units, but not including a motel, hotel, or rooming house.

Dwelling Unit: One (1) or more rooms arranged for residential use containing cooking, living, sanitary and sleeping facilities, permanently installed, which are arranged, designed, used or intended for use as living quarters for one (1) family and for not more than an aggregate of two (2) roomers or boarders.

Efficiency Living Units: Efficiency living unit is any room having cooking facilities used for combined living, dining and sleeping purposes and meeting the requirements of Section 503(b) Exception, of the Uniform Housing Code.

Egress: Egress shall mean an arrangement of exit facilities to assure a safe means of exit from buildings.

Family: One (1) or more persons related by blood, marriage or adoption, including foster children, or a group of not more than four adult individuals (excluding personal care attendants, in accordance with Minnesota Statutes, Sections 256B.04, Subd. 6 and 256B.0625, Subd. 19 and Minnesota Rules, Rule 9505.0335), maintaining a common household in a dwelling unit.

Guest: Guest shall mean an individual who shares a dwelling unit in a non-permanent status for not more than thirty (30) days.

Habitable Room: Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes, utility rooms of less than fifty (50) square feet of floor space, foyers, or connecting corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas. All habitable rooms shall comply with all the provisions contained herein.

Hot Water: Hot water shall mean water at a temperature of not less than 110 degrees Fahrenheit.

Household: A household shall mean a family as defined in this subdivision.

Kitchen: Kitchen shall mean any room used for the storage, preparation, and serving of food and that contains at least the following equipment: sink, stove or microwave oven, refrigerator, cabinets and/or shelves, and a counter or table.

Kitchenette: Kitchenette shall mean a small kitchen or an alcove containing cooking facilities.

Multiple dwelling: A building of any size or type occupied by more than four (4) families, including boarding houses and rooming houses. "Multiple dwelling" does not include hotels, motels, hospitals and homes for aged.

Nuisance: The following shall be defined as nuisances:

- (a) Any public nuisance known in common law or in equity jurisprudence.
- (b) Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors.

- (c) Whatever is dangerous to human life or is detrimental to health.
- (d) Overcrowding a room with occupants.
- (e) Insufficient ventilation or illumination.
- (f) Inadequate or unsanitary sewerage or plumbing facilities.
- (g) Uncleanliness.
- (h) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings.

Occupant: Any person, firm, partnership, corporation, association, organization, corporation or other who shall be in actual possession or have charge, care or control of any dwelling within the City.

Ordinary Summer Conditions: Ordinary summer conditions shall mean a temperature of not higher than ninety-two (92) degrees Fahrenheit.

Ordinary Winter Conditions: Ordinary winter conditions shall mean a temperature of not lower than minus eighteen (-18) degrees Fahrenheit.

Owner: Any person, firm, partnership, corporation or other association who alone, jointly, or severally with others is the fee owner of record of any dwelling or dwelling unit within the City or any trustee or guardian or other representative of the fee owner, Contract for Deed vendee or, holder of a life estate.

Person: The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individual. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as to partnerships or association, the word shall include the officers, agents or members thereof who are responsible for any violation of such section.

Plumbing: Plumbing shall mean any and all equipment, fixtures, and connections made to water, sewer or gas lines including but not limited to the following: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, valves and connectors.

Premises: Premises shall mean a parcel of land either occupied or unoccupied by any structure or structures.

Privacy: Privacy shall mean the existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight, sound, or presence by unwanted individuals.

Properly Connected: Properly connected shall mean connected in accordance with accepted industry standards and/or all applicable code and ordinances of this City as from time to time enforced; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

Repair: Repair shall mean to restore to a sound, acceptable state of operation, serviceability or appearance. Repairs shall be expected to last approximately as long as would the replacement by new items.

Replace or Replacement: Replace or replacement shall mean to remove an existing item or portion of a system and to construct or install a new item of a quality similar to that of the existing item when it was new. Replacement ordinarily takes place when repair of the item is impractical.

Rooming House: Rooming house shall mean any dwelling other than a hotel or motel or that part of any dwelling containing one (1) or more rooming units, and/or one (1) or more dormitory rooms in which persons either individually or as families are housed without the provision of meals.

Space Heater: Space heater shall mean a self-contained, heating appliance of either the convection or radiant type and intended primarily to heat only a limited space or area such as one (1) room or two (2) adjoining rooms.

Temporary Housing: Temporary housing shall mean any tent, trailer, manufactured home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

Water Closet: Water closet shall mean a toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water sealed trap above the floor level.

Sections 62 through 65. Reserved.

DIVISION 4. DEFICIENCIES, STANDARDS, AND CORRECTIONS

Section 66. Built-in deficiencies exempt.

The following are built-in deficiencies and shall be exempt from compliance with the Code; provided, that such built-in deficiencies were in compliance with a building code at the time of construction and/or do not pose a hazard.

(a) *Ceiling heights:* Any existing habitable room with less than a seven and one half (7.5) foot ceiling height shall be considered a built-in deficiency which is beyond reasonable correction.

(b) *Superficial floor areas:* Any existing habitable room of less than ninety (90) square feet shall be considered a built-in deficiency and beyond reasonable correction.

(c) *Natural light and ventilation:* Any existing habitable room with window area less than ten percent (10%) of the floor area shall be considered a built-in deficiency beyond reasonable correction but in no case shall the required natural light and ventilation be less than five percent (5%) of the floor area.

Section 67. Space and occupancy standards.

No person shall let to another for occupancy any dwelling or dwelling unit, for the purposes of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

(a) Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area, and which shall be equipped with the following:

- (1) A kitchen sink in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the City of Chaska.
- (2) Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not in ordinary summer conditions require refrigeration for safe keeping; and a counter or table for food preparation; said cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.
- (3) A stove, or similar device, for cooking food, and a refrigerator, or similar device, for the safe storage of food at temperatures less than forty-five (45) degrees Fahrenheit but more than thirty-two (32) degrees Fahrenheit under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator, and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator and/or similar devices are provided.

(b) Within every dwelling unit there shall be a non-habitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be equipped with easily cleanable surfaces, be properly connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be properly connected to a sewer system which is approved by the City of Chaska. The room shall have an operable window or mechanical ventilation sufficient to provide the equivalent of five (5) air exchanges per hour.

(c) Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is properly connected to a sewer system approved by the appropriate authority. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.

(d) Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system approved by the appropriate authority. Water inlets for bathtubs shall be located above the overflow rim of these facilities.

(e) Every dwelling unit shall have at least two (2) means of egress leading to safe and open space leading to ground level, and which meet all requirements of Chapter 8 of the Uniform Housing Code. Every dwelling unit in a multiple dwelling shall have immediate access to two (2) or more approved means of egress leading to safe and open space at ground level, or as required by the laws of this State and the City of Chaska. Bedrooms located below the first (1st) floor shall be provided with an exterior door or window of such dimensions as to be used as a means of emergency egress.

(f) Structurally sound hand rails shall be provided on any steps containing three (3) risers or more. Porches, patios, and/or balconies located more than thirty (30) inches higher than the adjacent area shall have structurally sound protective guardrails.

(g) Each dwelling unit shall have facilities for the safe storage of drugs and household poisons.

(h) Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.

(i) No person shall let to another for occupancy any dwelling or dwelling unit unless all exterior doors and windows of the dwelling or dwelling unit are equipped with appropriate, functioning locking devices.

(j) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and uniform treads.

(k) Every foundation, roof and exterior wall, door, skylight and window shall be reasonably weather-tight, water-tight and damp free, and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be sound and in good repair. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment. Walls shall be capable of affording privacy for the occupants.

(l) Every premises shall be graded, drained free of standing water, and maintained in a clean, sanitary and safe condition.

(m) Unless other provisions are made, gutters, leaders and downspouts shall be provided and maintained in good working condition so as to provide proper drainage of storm water.

(n) Every window, exterior door and hatchway or similar device shall be so constructed to exclude insects during that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects.

(o) Every dwelling, multiple dwelling, rooming house or accessory structure and the premises on which located shall be maintained in a rat-free and ratproof condition.

- (1) All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a half-inch diameter or more opening shall be ratproofed in an approved manner if they are within forty-eight (48) inches of the existing exterior ground level immediately below such openings, or if they may be reached by rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs, and other items such as trees or vines or by burrowing.
- (2) All windows located at or near ground level used or intended to be used for ventilation, all other openings located at or near ground level, and all exterior doorways which might provide an entry for rats, shall be supplied with adequate screens or such other devices as will effectively prevent the entrance of rats into the structure.
- (3) All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to prevent the ingress or egress of rats to or from a building.
- (4) Interior floors of basements, cellars and other areas in contact with the soil shall be ratproofed in an approved manner.

- (5) Materials stored, in accordance with the City's Zoning Ordinance, outside the dwelling shall be stacked and elevated so that there will be at least an eighteen (18) inch opening between the material and the ground level so as to prevent the creation of a rat harborage area. Exceptions to the eighteen (18) inch opening between the material and ground level shall be wood and composting piles. No stacking or piling of material shall take place against the exterior walls of the structure.
- (6) Any materials used for ratproofing shall be acceptable to the Building Official.

(p) All fences shall be constructed of approved fencing material, shall be maintained in good condition and shall not create a harborage for rats. Wood materials shall be protected against decay by use of paint which is not lead-based paint or by other preservative material. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, ordinances, and regulations of the City of Chaska and the State of Minnesota. Wherever any egress from the dwelling opens into the fenced area, there shall be a means of egress from the premises to any public way adjacent thereto.

(q) Accessory structures present or provided by the owner, agent, or tenant occupant on the premises of a dwelling shall be structurally sound, and be maintained in good repair and free of insects and rats, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of lead-free paint or other preservatives.

(r) Every plumbing fixture and all water and waste pipes shall be properly installed and maintained in good sanitary working condition. All waste system clean-out plugs must be easily accessible.

(s) Every water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(t) Every plumbing fixture and pipe, every chimney, flue, and smoke pipe, and every other facility, piece of equipment, or utility which is present in a dwelling or dwelling unit, or which is required under this Ordinance, shall be constructed and installed in conformance with the appropriate statutes, ordinances and regulations of the City of Chaska and State of Minnesota.

(u) No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this Ordinance to be removed from or shut off from or discontinued from any occupied dwelling or dwelling unit let or occupied by said person; except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the appropriate authority.

(v) All construction and materials, ways and means of egress, and installation and use of equipment shall conform with the appropriate statutes, ordinances and regulations dealing with fire protection of the City of Chaska and State of Minnesota.

Section 68. Occupancy standards.

Permissible occupancy of a dwelling unit: The maximum permissible occupancy of any rental dwelling unit shall be determined as follows:

(a) Minimum space: For the first two occupants, two hundred twenty (220) square feet of habitable room floor space and for every additional occupant thereof, at least one hundred (100) square feet of habitable room floor space.

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

(c) Occupancy of sleeping rooms: In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes shall have the following minimum habitable room floor space: Seventy (70) square feet for one (1) person; ninety (90) square feet for two (2) persons; and the required habitable room floor space shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).

Section 69. Structural requirements.

(Reference Chapter 6, Uniform Housing Code).

Section 70. Mechanical requirements.

(Reference Chapter 7, Uniform Housing Code).

Section 71. Exits.

(Reference Chapter 8, Uniform Housing Code).

Section 72. Fire protection.

(Reference Chapter 9, Uniform Housing Code).

Section 73. Correction of immediate hazards.

No occupancy shall be permitted of any dwelling unit if vacant and an immediate hazard exists. If the dwelling unit is occupied and an immediate hazard exists, immediate corrective action shall be taken by the occupant, owner, agent of the owner or other responsible persons. The dwelling unit may be ordered vacated if no immediate corrective action is taken and the occupant, owner, agent of the owner or other responsible person fails to comply with any order to correct any immediate hazard.

Immediate hazards to health and safety for human occupancy shall include but not be limited to the following:

(a) Heating systems that are unsafe due to: burned out or rusted heat exchanges (fire box); burned out or plugged flues; no vent; connection with unsafe gas supplies; lack of proper gauges and relief valves; lack of fuel or use of improper fuel; or incapacity to adequately heat the living space.

(b) Water heaters that are unsafe due to: burned out or rusted heat exchanges (fire box); burned out, rusted or plugged flues; no vent; connection with unsafe gas supplies; lack of fuel or use of improper fuel; or lack of temperature and pressure relief valves with proper diverter pipe.

(c) Electrical systems that are unsafe due to: dangerous overloading; damaged or deteriorated equipment; improperly taped or spliced wiring; exposed uninsulated wires; distribution systems of extension cords or other temporary methods; ungrounded systems; disconnection of service to the dwelling.

(d) Plumbing systems that are unsanitary due to: leaking waste systems, fixtures and traps; lack of a water closet; lack of washing and bathing facilities; cross connection of pure water supply with fixtures, private well, or sewage lines; or the lack of water.

(e) Structural systems, walls, chimneys, ceilings, roofs, foundation and floor systems that will not safely carry imposed loads.

(f) Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, other materials rendering residential buildings and structures unsanitary for human occupancy, including lack of light and air.

(g) Infestation of rats, insects and other vermin.

Section 74. Smoke detectors required.

Smoke detectors shall be required in dwelling units subject to the following criteria:

(a) Dwelling units, congregate residences and efficiency units that are used for sleeping purposes shall be provided with smoke detectors. Detectors shall be installed in accordance with approved manufacturer's instructions.

(b) When the dwelling unit has more than one story and in dwellings with basements, a detector shall be installed on each story and in the basement, centrally located in corridor providing access to sleeping rooms. (Ord. No. 568, Sec. 1, 12/19/94)

Section 75. Structural and life safety standards.

Compliance with the structural and life safety portions of any housing maintenance inspection required by City Code shall be in accordance with the Building Code in effect at the time of original construction, provided there is no significant danger to health and safety at the time of inspection.

If no building requirements were in effect at the time of construction or the requirements cannot be determined, compliance shall be made to the extent necessary to eliminate significant danger to health and safety.

Sections 76 through 80. Reserved.

DIVISION 5. LICENSING AND PENALTIES

Section 81. License required.

No person, firm or corporation shall operate a rental dwelling in the City without having first obtained a license as hereinafter provided from the Building Official. Each such licensee shall register annually with the Building Official. If the license is denied, no occupancy of dwelling units then vacant or which become vacant is permitted until a license has been issued. Apartment units within an unlicensed apartment building for which a license application has been made and which units are in compliance with Article IV, Chapter 6, may be occupied provided that the unlicensed units within the apartment building do not create a hazard to the health and safety of persons in occupied units.

Section 82. License procedures.

Within sixty (60) days after the passage of this new Article IV, Chapter 6, the owner of any rental unit within the City shall apply to the Building Official for a rental housing license in the manner hereafter prescribed.

(a) Application shall be made on forms provided by the City and accompanied by the initial fee in an amount set by Resolution of the City Council. The owner of an apartment building or rental home constructed after the date of passage of this Ordinance shall obtain a license prior to actual occupancy of any rental unit therein.

(b) Applicants shall provide the following information on license applications:

- (1) Name and address of the owner of the rental dwelling and the name and address of the operator or agent actively managing said rental dwelling.
- (2) The name and address of the vendee if the rental dwelling is being sold on a Contract for Deed.
- (3) The legal description and address of the rental dwelling.
- (4) The number and kind of units within the rental dwelling, the floor area for each such unit and the total floor area of the building.
- (5) The number of toilet and bath facilities shared by the occupants of two (2) or more dwelling units.
- (6) A description of the type of construction of the exterior of the building.
- (7) The number of paved off-street parking spaces available.
- (8) Name and address of person to whom owner/applicant wishes correspondence to be sent.
- (9) Such other information as the Community Development Department administrative staff shall require.

Section 83. Application and inspection.

Upon receipt of a properly executed application for a rental housing license, the City Administrator shall cause scheduling of an inspection to be made of the premises to insure that the structure is in compliance with the requirements of the Code.

Section 84. Compliance Order.

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

- (a) Be in writing;
- (b) Describe the location and nature of the violations of this Ordinance;
- (c) Establish a time for the correction of such violations;
- (d) Include information regarding the owner's right to appeal the order and the procedure to be followed in filing such an appeal pursuant to Section 54 of this chapter;

(e) Be served upon the owner or owner's agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:

- (1) Served upon him/her personally, or
- (2) Deposited in the U.S. Post Office addressed to the last known address of the owner with postage prepaid, certified, return receipt requested, or
- (3) Upon failure to effect notice by personal service or mail, posted at a conspicuous place in or about the dwelling which is affected by the notice.

Section 85. Issuance of rental housing license.

If the rental dwelling is in compliance with the requirements of the Code, a license shall be issued to the present owner, occupant or agent which shall state that the structure has been inspected and is in compliance with the requirements of the Code. The present owner or any agent designated by the present owner or occupant shall obtain a license. If the City finds that the circumstances of occupancy following the issuance of the license involve possible Code violations, substandard maintenance or abnormal wear and tear, the City may again inspect the premises during the licensing period.

Section 86. License display.

A license issued under this Chapter shall be conspicuously displayed on the rental premises wherever feasible. The licensee shall promptly produce the license upon demand of a prospective tenant or the Building Official or his/her authorized representative.

Section 87. License transfer.

The license is transferable upon application to the Building Official. The Building Official shall assure that the licensed premises are in compliance with the Code. The license shall terminate if renewal or application for transfer is not made within thirty (30) days after transfer of ownership of the dwelling unit.

Section 88. License renewal.

Renewal of the license as required annually by this Code may be made by filling out the required renewal form furnished by the Building Official to the owner, operator or agent of a rental dwelling and by mailing the form together with the required registration fee to the Building Official. Such renewal or registration may be made only when no change in the ownership, operation, agency or type of occupancy as originally licensed has been made and where there has been an inspection within the last two (2) years.

Section 89. Suspension or revocation.

A license issued or renewed under this section may be revoked or suspended upon a finding of noncompliance with the provisions of this Chapter. Reinstatement of a suspended license shall be accompanied by an amount equal to fifty percent (50%) of the license fee. Issuance of a new license after suspension or revocation shall be made in the manner provided for obtaining an initial license.

Section 90. License fees.

License fees, inspection fees, and reinspection fees shall be established by Council Resolution.

Section 91. Penalties.

Violation of any provision of this Rental Housing Maintenance, Inspection and Licensing Program Ordinance is a misdemeanor and upon conviction penalties provided in Section 08 of Chapter 1 may be imposed.

In addition to the above:

If an owner of a rental dwelling is determined by the Building Official to be in noncompliance with this Code, the Official may order the owner to cease from renting any vacated dwelling units until compliance is achieved. The Building Official may also order the tenants of any noncomplying owner to pay their rent to an escrow account up to an amount deemed by the Official as adequate to pay for the work required to successfully comply with the Code. These monies will be released as items are completed to the satisfaction of the Building Official. These penalties are separate from other fines and penalties listed elsewhere in this Code and may be applied concurrently with other penalties where appropriate.

Section 92. Implementation.

The Licensing/Inspection Program shall be implemented in phases as follows:

(a) For all rented residential dwelling units the requirements for licensing shall be in force January 1, 1994. The owner shall be notified by the Building Official of an initial inspection to be scheduled sometime after the date of January 1, 1994.

(b) Upon receipt of the application and appropriate fee, the Building Official shall issue a conditional license until an inspection of the unit(s) is completed. Upon compliance of all dwelling units in a building with the Code, the annual license shall be issued.

(c) Upon written notification of any and all possible Housing Code and Ordinance violations, the Building Official shall deem such notifications as priority and shall perform the necessary inspections to determine if the alleged violations exist.