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CHAPTER 15

PROPERTY MAINTENANCE REGULATIONS

SECTION 15.101. PURPOSE AND INTENT.

Subd. 1. Purpose. The purpose of this Chapter is to promote the health, safety, comfort, convenience, and general welfare of the inhabitants of the City. Further, the purposes of this Chapter are to protect the character and stability of residential areas within the City and to correct and prevent housing conditions that adversely affect or are likely to adversely affect the safety, comfort, convenience, general welfare, and health; to provide standards for heating and sanitary equipment and for light and ventilation necessary to protect the health and safety of occupants of buildings; to prevent the overcrowding of dwellings; to provide standards for the maintenance of existing residential buildings and accessory structures and to thus prevent substandard housing and blight; and to preserve the value of land and buildings throughout the City. Wherever any portion of this Chapter shall conflict with any other provisions of any ordinance of the City of Lexington, the stricter or more limited provision shall be deemed to control.

Subd. 2. Definition. This Chapter shall be known as the Lexington Property Maintenance Regulations, and may be cited as such, and will be referred to herein as the Housing Code or the LPMR.

SECTION 15.102. DEFINITIONS.

Subd. 1. Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter.

- A. **“Abandonment of a Building or Structure”** – the consequence of ceasing to assert or exercise an interest, right, or title to that building or structure, with the intent of never again resuming or reasserting it.
- B. **“Accessory Structure”** – a structure not greater than 3,000 square feet in floor area and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot.
- C. **“Adequate”** – sufficient.
- D. **“Basement”** – that portion of a building or structure located partly or completely below grade.
- E. **“Building”** – a constructed edifice designed to stand more or less permanently, covering a space of land, designed for occupancy, and intended for use in one place.

- F. **“Common Areas”** – halls, corridors, passageways, utility rooms, recreational rooms and extensively landscaped areas in or adjacent to a multiple dwelling, not under the exclusive control of one person or family.
- G. **“Component”** – a part or fixture of a structure.
- H. **“Condominium”** – a form of individual ownership within a multiple family dwelling which entails joint responsibility for maintenance and repairs; in the condominium each apartment or townhouse is owned outright by its occupant.
- I. **“Corrected”** – brought into conformance with all applicable standards of the LPMR.
- J. **“Cooperative Housing”** – a multiple family dwelling owned and maintained by the residents: the entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.
- K. **“Damage”** – injury or harm.
- L. **“Degradation”** – impairment in respect to some physical property, including damage by weakening or loss of some property, quality, or capability.
- M. **“Dilapidation”** – a condition of decay or partial ruin.
- N. **“Disaster”** – a sudden or great misfortune.
- O. **“Dwelling”** or **“Dwelling Unit”** – a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- P. **“Exclude Dampness”** – to shut out moisture.
- Q. **“Exit”** – a continuous and unobstructed means of egress to the outdoors and includes intervening doors, doorways, corridors, ramps, stairways, smoke-proof enclosures, horizontal exits, exit passageways, exit courts and yards.
- R. **“Extermination”** – the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Health Officer.
- S. **“Fire Hazard”** – a thing or condition that might operate against safety from fire, including a possible source of peril, danger, duress, or difficulty, or that tends to create or increase the possibility of loss due to fire.

- T. **“Garbage”** – animal and vegetable wastes, including those resulting from the handling, preparation, cooking, and consumption of food, or any other matter in a state of foul decay or decomposition.
- U. **“Habitable Room”** – a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, but excluding bathrooms, toilet compartments, laundries, furnace rooms, pantries, utility rooms, foyers, corridors, stairways, closets, storage spaces, workshops, hobby and recreation areas, and basements lacking required ventilation, required electrical outlets, or required exit facilities.
- V. **“Hazard”** – a thing or condition that might operate against safety, including a possible source of peril, danger, duress, or difficulty, or that tends to create or increase the possibility of loss.
- W. **“Health Officer”** – the legally designated health officer or building official of the City of Lexington or his or her authorized representative.
- X. **“Hotel or Motel”** – a building or structure or enclosure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week.
- Y. **“Inadequate”** – not adequate.
- Z. **“Infestation”** – the presence, within or around a dwelling, of any insects, rodents, or pests.
- AA. **“Kitchen”** – a space used or intended to be used for food preparation, which contains a sink, adequate space for installing cooking and refrigeration equipment, and space for the storage of cooking utensils.
- BB. **“Maintenance”** – preservation from failure or decline.
- CC. **“Maintained”** – preserved from failure or decline.
- DD. **“Multiple Family Dwelling”** - A dwelling or portion thereof containing two or more dwelling units.
- EE. **“Nuisance”** –
 - 1) A public nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to, the abandonment of any well, cistern, shaft, basement, or excavation; the abandonment of any refrigerator or freezer in a

hazardous condition; an unlicensed or inoperable motor vehicle; or any lumber, garbage, rubbish, or debris which may become a hazard for inquisitive minors; or

- 2) Overcrowding a room or portion of a dwelling with long-term storage so as to prevent upkeep, maintenance or regular housekeeping. A room may be considered overcrowded when storage covers an excessive amount of the floor area of a room, constitutes a potential excessive fire load, prevents access to windows or doors, prevents access to or obstructs mechanical systems or air movement, effectively eliminates use and access to required electrical devices, impedes access and movement of emergency personnel, blocks hallways, limits the operation of doors or provides potential pest harborage.

FF. **“Obsolescence”** – the process of becoming neglected or the condition of being nearly neglected or worn out.

GG. **“Occupant”** – any person, over one year of age, (including owner or operator) living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

HH. **“Operator or Resident Agent”** – the owner or owner's agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let or offered for occupancy.

II. **“Owner”** – a person who alone, jointly, or severally with others:

- 1) shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or,
- 2) shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Section, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

JJ. **“Owner-Occupied Dwelling”** – a dwelling unit occupied by the property owner, including for purposes of the LPMR, a single-family dwelling or the discrete portion of a multiple family dwelling where the owner resides in one unit.

KK. **“Premises”** – platted lot(s) or unplatted parcel(s) of land, or any portion thereof, either occupied or unoccupied by any dwelling or non-dwelling structure, including such building, accessory structure, or other structure thereon.

- LL. **“Public Areas”** – those areas which are normally open to the general public or the occupants of more than one dwelling unit of a multiple family dwelling.
- MM. **“Rental Dwelling or Rental Dwelling Unit”** – any dwelling unit not occupied by the primary homestead owner of record. Such a unit may be a single-family dwelling, a separate and independent housekeeping unit within a single-family dwelling, a group home, one unit of a two-family dwelling or a portion of a multi-family dwelling, any of which are provided or available for actual or potential occupancy whether occupied or vacant by lease, by use, by rent or for any other good and valuable consideration, excluding the portion of a homestead property occupied by a qualified relative, or residential property seasonally occupied by what is commonly referred to as a “house sitter” while the owner of the property is residing elsewhere for a period not to exceed six (6) months. Manufactured homes that are occupied by the owner of the home do not constitute rental dwelling units even though the underlying lot may be leased by the owner occupant.
- NN. **“Rodent Harborage”** – a place where rodents are living, nesting, or seeking shelter, or likely to live, nest, or seek shelter.
- OO. **“Rodent-Proof”** – a condition where a structure and all parts thereof are protected from rodent, insect and vermin infestation by eliminating ingress and egress openings such as cracks in walls and holes in screens. For the purpose of the LPMR the term "rodent-proof" shall be construed as though it included "insect-proof" and "vermin-proof."
- PP. **“Rooming Unit”** – a room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes.
- QQ. **“Rubbish”** – solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery, and similar materials.
- RR. **“Safe”** – secure from threat of danger, harm or loss, including but not limited to the threat of unsafe conditions as defined below.
- SS. **“Safety”** – the condition of being safe.
- TT. **“Sanitary”** – free from or effective in preventing or checking an agent (such as filth or infection) injurious to health.
- UU. **“Supplied”** – paid for, furnished, or provided, by or under the control of, the owner or operator.

VV. **“State Building Code”** or **“Building Code”** - those codes adopted by the State of Minnesota for Buildings and Fire, and as thereafter adopted by the City of Lexington.

WW. **“System”** – a group of devices or artificial objects or an organization forming a network especially for distributing something or serving a common purpose.

XX. **“Unsafe”** – not safe, and includes but is not limited to the following applications:

- 1) when referring to a building or structure, one that is structurally unsafe or not provided with adequate egress that constitutes a fire hazard or that is otherwise dangerous to human life.
- 2) when referring to a use of a building or a structure, a use that constitutes a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment.
- 3) when referring to parapet walls, cornices, spires, towers, tanks, statuary, or other appendages or structural members that are supported by, attached to, or a part of a building, one that is in deteriorated condition or otherwise unable to sustain the design loads that are specified in the Guidelines for Rehabilitation of Existing Buildings as modified by Minn. R. Chapter 1311.

YY. **“Yard”** – all ground, lawn, court, walk, driveway, or other open space constituting part of the same premises.

Subd. 2. Terms Not Defined. If a term used in Chapter 15 not defined in Chapter 15, but is defined in an applicable Building Code, that term shall have the meaning as defined in that Code.

Subd. 3. Undefined Terms. Terms that are not defined in Chapter 15 or in an applicable Building Code shall have their ordinary accepted meanings within the context in which they are used. For undefined terms in any other subdivision of Chapter 15, the on-line version of the Merriam-Webster Collegiate Dictionary, available at www.m-w.com, shall be considered as providing ordinarily accepted meanings.

SECTION 15.103. GENERAL REQUIREMENTS.

Subd. 1. General Requirements. No person shall occupy as owner, occupant or let another for occupancy any dwelling or rooming unit for the purpose of living therein which does not comply with the following requirements.

- A. Foundations, Exterior Walls, and Roofs. The foundation, exterior walls, and exterior roof shall be substantially watertight and protected against vermin and rodents and shall be kept in sound condition and repair. The foundation element shall adequately support the building at all points. Every exterior wall shall be free of structural deterioration or any other condition which might admit rain or dampness to the interior spaces of the dwelling. The roof shall be tight and have no defects which admit rain and roof drainage and shall be adequate to prevent rain water from causing dampness in the walls. All exterior surfaces, other than decay resistant materials, shall be protected from the elements and decay by paint or other protective covering or treatment. If the exterior surface is unpainted or lacks protective coating or is determined by the Building Official to be deteriorated, the surface shall have a protective covering applied. If the exterior surface of the pointing of any brick, block, or stone wall is loose or has fallen out, the surface shall be repaired.
- B. Windows, Doors, and Screens. Every window, exterior door, and hatchway shall be substantially tight and shall be kept in repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, vermin and rodents from entering the building.
- C. Floors, Interior Walls, and Ceilings. Every floor, interior wall, and ceiling shall be protected against the passage and harborage of vermin and rodents and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding, or rotting flooring materials. Every interior wall and ceiling shall be maintained in a tight waterproof condition. Toxic paints or materials with a lasting toxic effect shall not be used. Every toilet room and bathroom floor surface shall be capable of being easily maintained.
- D. Rodent, Vermin and Insect Proof. Buildings found to be rodent, vermin, or insect infested shall be made rodent, vermin or insect resistant. All openings in the exterior walls, foundations, basements, ground, or first floors, and roofs which have 1/4" diameter or larger opening shall be rodent proofed in a manner approved by the Building Official. Interior floors or basements, cellars, and other areas in contact with the soil shall be paved with concrete or other rodent impervious material.
- E. Accessory Structure Maintenance. Accessory structures shall be structurally sound and be maintained in good repair. The exterior of such structures shall be made weather resistant through the use of decay resistant materials such as paint or other preservatives.
- F. Outside Storage. The outside storage of materials, equipment or other personal property on or adjacent to any building property shall conform to the following:

- 1) All materials, equipment or other personal property shall be stored within a building or fully screened by fencing from adjacent properties and the street, except for the following: clothes lines, recreational equipment, patio furniture, firewood and operable and currently licensed automobiles and trucks weighing not more than one ton.
- 2) No commercial vehicles of over one (1) ton capacity or commercial trailers shall be parked or stored in any residential district except when loading, unloading or rendering a service. All vehicles equipped with truck parking permits shall be exempt.
- 3) The outside storage of boats, unoccupied boat trailers, unoccupied trailers with a maximum gross weight of 3,000 pounds, and recreational camping vehicles as defined in Section 9.03 of this code, are permissible in the following areas:
 - (a) Rear yard at least ten (10) feet from the rear property line.
 - (b) Side yard at least five (5) feet from the side property line.
 - (c) Front yard at least ten (10) feet from the back curb line on a driveway surface.
 - (d) In no case shall boats, unoccupied boat trailers, unoccupied trailers with the maximum gross weight of 3,000 pounds or recreational camping vehicles be parked to cause a safety hazard due to poor traffic sight distance or inaccessibility to properties by emergency vehicles or persons.
 - (e) All trailers stored pursuant to this section may not be used to store materials and equipment on or about the trailer, with the exception that boat trailers may store a boat intended for use with the trailer.
- 4) The outside storage of firewood shall be restricted to the inside or rear yards provided it is no closer than five (5) feet to any property line. Such wood shall be stacked in a neat, orderly, safe manner. The maximum height allowed is six (6) feet. Storage of firewood in the front yard shall be permitted for loading and unloading on temporary basis only not to exceed five (5) days.
- 5) For purposes of this section, materials or equipment existing outside of a building for a period greater than 24 hours shall be considered "stored." Stored materials, equipment or personal property shall not be used for human habitation.

- G. Grading and Drainage. Every yard, court, or passageway on the premises on which a dwelling stands shall be graded and drained so as to be free of standing water that constitutes a detriment to health and safety.
- H. Yard Cover. Every yard of a premises on which a dwelling stands shall be maintained to prevent dust and erosion.
- I. Public Sidewalks and Access Walks. It shall be the responsibility of the owner of any dwelling unit to maintain all public sidewalks abutting the premises occupied by the dwelling unit. All structures containing one or more dwelling units shall be required to provide at least one hard-surface and unobstructed access, path or drive linking each dwelling unit to the adjacent public sidewalk or street.
- J. Removal of Snow and Ice. The owner of any rental dwelling shall be responsible for the removal of snow and ice from parking lots and/or driveways, and steps on the premises. Individual snowfalls of three inches or more or successive snowfall accumulations to a depth of three inches must be removed from walkways and steps within 48 hours after cessation of the snowfall. All public sidewalks shall conform to Section 7.05 of this Code.
- K. Storage and Disposal of Garbage and Refuse. Every occupant of a dwelling shall store and dispose of all his/her refuse and garbage and any other organic waste which might provide food for insects, vermin and/or rodents as required by this Chapter.
- L. Storage and Disposal of Garbage and Refuse – Multiple Family Dwelling. Every owner of a multiple family dwelling shall supply facilities for the storage and/or disposal of refuse, garbage, and recyclable materials that are sufficient for the storage of such materials in a manner that satisfies the requirements of this Code. All garbage, waste material, debris, and recyclables shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. It is unlawful for any person to store refuse on the premises of a multiple family dwelling for more than one week. Such storage shall be in containers as for residential dwellings, except that so-called “dumpsters” with close-fitting covers may be substituted. Refuse enclosures shall provide screening of containers and have a concrete floor base. Gates may not be required if properly oriented on the site. Design of such facilities shall be reviewed and must be approved by city staff prior to issuance of a building permit. Each owner must make all improvements necessary to bring garbage and refuse disposal facilities into compliance with this section prior to such time as a building permit may be taken for any work on multiple family dwellings, or work on other buildings where the total cost of such work shall exceed the sum of \$5,000.00. In the case of single-family dwellings, it is the responsibility of the occupant and/or owner to furnish such facilities as prescribed by city ordinance.

- M. Storage and Disposal of Garbage and Refuse – Single Family Dwelling. It is unlawful for any person to store refuse on the premises of a single family dwelling for more than one week. All such storage shall be within closed, five to ninety-six gallon metal or plastic containers with tight-fitting covers, which shall be maintained in a clean and sanitary condition; provided, that tree leaves, weeds and grass clippings may be stored in plastic bags and tree limbs must be stored in bundles weighing no more than seventy-five pounds or no longer than three feet. All metal containers or equivalent shall at all times except on collection days be located behind the rear line of the dwelling, or in the garage, or screened from view from the street and at least ten feet from the abutting property.
- N. Maintenance of Grass, Weeds, Trees and Shrubs. Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of six-inches it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provision herein requiring a permit therefore, trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street.
- O. Minimum Exterior Lighting. The owner of a rental dwelling shall be responsible to provide and maintain effective illumination in all exterior parking areas and walkways.
- P. Maintenance of Driveway and Parking Areas. The owner of a multiple family dwelling or dwellings shall be responsible to provide and maintain in good condition paved and delineated parking areas and driveways. Each driveway and parking area on any multiple family property existing on or after January 1, 1995, shall be paved with asphalt, concrete, brick, or similar dust free surface at such time as a building permit may be taken for any work on multiple family dwellings.
- Q. Ceiling Heights. Every dwelling or rooming unit shall have a ceiling height of not less than seven (7) feet, except as otherwise permitted in this Section. Kitchens, halls, bathrooms, closets, and toilet compartments may have a ceiling height of not less than seven (7) feet measured to the lowest projection of the ceiling.
- R. Kitchen Sink. A kitchen sink must be in good working condition and be properly connected to an approved water supply system which at all times provides an adequate amount of heated and unheated running water under pressure. The sink must also be connected to an approved sewer system. These systems must comply with Chapter 3 of this Code and satisfy the State Building Code.
- S. Food Storage. Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils, and of food that does not require refrigeration for safekeeping, and a counter or table for food preparation. The cabinets and/or shelves and counter or table shall be of sound construction furnished with

surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

- T. Stove and Refrigerator. A stove for cooking food and a refrigerator for the safe storage of food at or below forty (40) degrees Fahrenheit, which are properly installed with all necessary connections for safe, sanitary, and efficient operation. Such stove and refrigerator need not be installed when a dwelling unit is not occupied or when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of the stove and refrigerator must be provided.
- U. Toilet Facilities. Within every dwelling or rooming unit there shall be a non-habitable room which is equipped with a flush toilet in compliance with the Minnesota State Plumbing Code. Such rooms shall have an entrance door which affords privacy. Said flush toilet shall be equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the toilet to be operated properly, and all shall be connected to a sewer system in compliance with Chapter 3 of this code. Each toilet stool shall be located in a clear space of not less than thirty (30) inches in width. A clear space in front of the toilet stool of not less than twenty-one (21) inches shall be provided.
- V. Lavatory Sink. Within every dwelling unit there shall be a lavatory sink. The sink may be in the same room as the toilet, but if located in another room, the lavatory sink shall be located within five feet of the door leading directly into the room in which said toilet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water system and shall provide at all times an adequate amount of heated and unheated running water under pressure and shall be connected to a sewer system which complies with Chapter 3 of this code.
- W. Stopcock or Shut-Off Valves. All private water service pipes shall be provided with an accessible, sufficient and working shut-off valve or stop-cock.
- X. Bathtub or Shower. Within every dwelling or rooming unit there shall be a non-habitable room which is equipped with a bathtub or shower in good working condition. Such room shall have an entrance door which affords privacy. Said bathtub or shower may be in the same room as the toilet, or in another room, and all shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure (which shall in no case be less than forty pounds per square inch) and shall be connected to a sewer system which complies with Chapter 3 of this Code.
- Y. Storm and Screen Doors and Windows. The owner of a dwelling, dwelling unit, or rooming unit shall be responsible for providing, maintaining and hanging all

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

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

- 1) Building Access. For the purpose of providing a reasonable amount of safety and promoting the general welfare for persons occupying multiple family dwellings, an approved security system shall be maintained for each multiple family dwelling to control access. The security system shall consist of locking building entrance or foyer doors, and locked doors leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with releasable lever knobs (or doorknobs) on the inside building entrance doors and with key cylinders on the outside of building entrance. Building entrance door latches shall be of types that are permanently locked.
- 2) Unit Access. Every door that provides ingress or egress for a dwelling unit within a multiple family dwelling shall be equipped with an approved lock that has a deadlocking bolt that cannot be retracted by end pressure, provided however, that such door can be opened from the inside without the use of a key or any special knowledge or effort.
- 3) Existing Buildings. All rental dwellings in existence at the time this Section is adopted, which were not previously required to have an approved security system, shall not be subject to the requirements of Section 15.107, Subdivision (a), until such time as a building permit may be required for any work on multiple family dwellings.

SECTION 15.104. SUBSTANDARD BUILDINGS.

Subd. 1. Conditions. Any dwelling whose condition or use was not prohibited by any applicable law or code prior to enactment of this housing code but now fails to comply with the requirements of the Lexington Property Maintenance Regulations is a substandard dwelling. All substandard dwellings shall be subject to the following conditions:

- A. Expansion of Dwelling. No such structure or use shall be expanded or enlarged except in conformity with the provisions of this Chapter.
- B. Alteration, Addition or Repair. No structural alteration, addition or repair to any substandard dwelling over the life of the dwelling shall exceed 50 per cent of the dwelling's assessed value at the time of its becoming a substandard dwelling

unless such dwelling is permanently changed to conform to the requirements of this housing code.

- C. Discontinued Use. If any substandard use is discontinued for twelve (12) consecutive months, any future use of the dwelling must conform to all the requirements of this chapter.
- D. Nuisance. No dwelling or dwelling use which constitutes a nuisance shall be permitted to continue as a substandard use or dwelling.

SECTION 15.105. ENFORCEMENT AND INSPECTION AUTHORITY.

Subd. 1. Inspections. The Building Official or his/her designee shall administer and enforce the provisions of the Lexington Property Maintenance Regulations and the Building Code. Inspections shall be conducted during reasonable hours and the Building Official shall present evidence of his official capacity to the owner or occupant in charge of the dwelling or rooming unit.

SECTION 15.106. PROPERTY MAINTENANCE REGULATIONS.

Subd. 1. Purpose. The purpose of the LPMR 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 the City; to provide, to the extent permitted by state law, for the enforcement of minimum standards for components or systems of residential structures; to provide for the use and location and amount of space for human occupancy; and to preserve the value of land and buildings throughout the City.

Subd. 2. Discrimination and Privacy. The LPMR is to 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, the LPMR 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 the LPMR, 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 non-conformity of any premises in the City to the provisions of the LPMR.

Subd. 3. Applicability. A building and its premises used in whole or in part as a residence, or as an accessory structure thereof except rest homes, convalescent homes, nursing homes, hotels, and motels, must conform to the requirements of this code. Licensing and inspections of rental dwellings and their premises are governed by this Chapter. These rental dwellings, portions of dwellings, common areas, areas under the exclusive control of a rental dwelling owner, and vacant rental dwelling units, shall comply with this Chapter in its entirety. Condominium and cooperative housing public

areas shall be subject to the requirements applicable to rental dwellings if one or more dwellings in such a building is a rental dwelling. Except as otherwise provided in this subdivision, the LPMR establishes minimum standards for erected dwelling units, accessory structures, and related premises.

Subd. 4. General Responsibilities of Owners.

- A. The owner of a structure is responsible for ensuring that it meets the applicable provisions of the LPMR. The duty to comply with the LPMR cannot be transferred to another person. A contract purporting to transfer the duty of compliance with the LPMR to another person does not relieve the owner, operator or occupant of any duty imposed by the LPMR.
- B. No owner or other person shall occupy or let to another person any dwelling unless it and the premises are fit for human occupancy and meets the applicable provisions of the LPMR and the Building Codes.

Subd. 5. Smoke and Carbon Monoxide Detection.

- A. Definitions.
 - 1) Those terms defined in Minn. Stat. § 299F.362, Subd. 1 shall also carry those meanings when they appear below in smoke detector regulations.
 - 2) Those terms defined in Minn. Stat. § 299F.50 shall also carry those meanings when they appear below in carbon monoxide detector regulations.
 - 3) For purposes of Subd. 5 only, the phrases “single-family home” and “single-family dwelling unit” mean a dwelling unit occupied by:
 - (a) A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:
 - (1) Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
 - (2) Three unrelated people; or
 - (3) Two unrelated people and any children related to either of them.
 - 4) When inspecting for compliance with Subd. 5, Building Officials shall presume that any dwelling with only one dwelling unit is a single-family home and a single-family dwelling unit for purposes of Subd. 5, and will not inquire regarding the relationships between occupants, but this

presumption may be rebutted by information volunteered by an owner or occupant.

B. In Single-Family Homes or Single-Family Dwellings.

- 1) Single and multiple-station smoke alarms shall be installed in the following locations:
 - (a) In each room used for sleeping purposes.
 - (b) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - (c) In each story within a dwelling unit, including basements, 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 full story below the upper level.
- 2) Smoke detectors improperly located or mounted may be required to be relocated or remounted.
- 3) The dwelling must have an approved and operational carbon monoxide alarm installed within ten feet of each room lawfully used for sleeping purposes.

C. In Residential Structures Other Than Single-Family Homes.

- 1) For every other dwelling unit within an apartment house or within a dwelling that is not a single-family home:
 - (a) Each dwelling unit must be provided with a smoke detector meeting the requirements of the State Fire Code, Minn. R. Ch. 7511.
 - (b) Smoke detectors must be mounted in the location or locations set forth in section (B) (1) of this subdivision.
 - (c) When activated, the detector must provide an alarm in the dwelling unit.
 - (d) Where the occupant is not the owner of the dwelling unit, the owner is responsible for maintenance of the smoke detectors. The occupant of a dwelling unit must immediately inform the

owner of the dwelling unit of a nonfunctioning smoke detector (within 24 hours) of discovering that the smoke detector in the dwelling unit is not functioning.

- 2) Effective August 1, 2009, the following regulations apply to multiple family dwellings:
 - (a) Subject to the exception in subpart 3 below, every dwelling unit in a multiple family dwelling must satisfy at least one of these two standards:
- 3) It must have an approved and operational carbon monoxide alarm installed within ten feet of each room lawfully used for sleeping purposes; or
 - (a) It must have approved and operational carbon monoxide alarms installed between 15 and 25 feet of carbon monoxide-producing central fixtures and equipment, provided there is a centralized alarm system or other mechanism for responsible parties to hear the alarm at all times.
 - (b) An owner of a multiple family dwelling that contains minimal or no sources of carbon monoxide may be exempted from the requirements of subpart 2 above, provided that such owner has certified to the commissioner of public safety that such multiple family dwelling poses no foreseeable carbon monoxide risk to the health and safety of the dwelling units.

Subd. 6. Conditions of Components or Systems of Existing Residential Structures.

- A. Scope. This subdivision shall govern the conditions of components and systems of existing residential structures.
- B. Certified Historic Structures. In a Certified Historic Structure as defined in Minn. R. 1311.0301, the requirements of this subdivision are subject to modifications specifically set forth in Chapter 6 of the Guidelines for Rehabilitation of Existing Buildings as modified by Minn. R. Chapter 1311.
- C. Modifications. Where there are practical difficulties involved in carrying out the provisions of Subd. 6, the City may accept compliance alternatives or grant modifications for individual cases. The City shall first find that a special individual reason makes the strict letter of Subd. 6 impractical, and that the compliance alternative or modification is in conformance with the intent and purpose of Subd. 6 and that such compliance alternative or modification does not lessen health, life and the intent of any fire-safety requirements or any degree of structural integrity.

The details of any action granting modification or the acceptance of a compliance alternative shall be recorded and entered into the City's files.

D. Safe and Sanitary Condition Required. All buildings and structures and all parts thereof shall be maintained in a safe and sanitary condition.

E. Additional Requirements Applicable to Electrical Components or Systems.

- 1) The electrical service, lines, switches, outlets, fixtures, and fixture coverings, and supports in every building or structure shall be in good repair.
- 2) Broken, loose, frayed, inoperative, defective, or missing portions of electrical components or systems shall be repaired or replaced.
- 3) All unsafe conditions shall be corrected.

F. Additional Requirements Applicable to Plumbing Components or Systems.

- 1) Leaking drain or supply lines shall be repaired or replaced.
- 2) All unsafe conditions shall be corrected.
- 3) Any cross-connections or siphonage between fixtures shall be corrected.

G. Additional Requirement Applicable to Mechanical Systems. Mechanical systems shall have any unsafe conditions corrected.

H. Means of Egress. The structure must meet those requirements of Sections 403.1 through 403.18 of Guidelines for Rehabilitation of Existing Buildings as modified by Minn. Rules Chapter 1311 that, by their wording or phrasing, apply to existing structures without regard to whether alteration, repair or other work is being performed on the structure.

I. Boiler/Central Heating Plant Equipment Rooms and Storage Rooms. In residential occupancies containing more than two dwelling units (including apartment buildings):

- 1) Rooms containing boilers or central heating plants, and storage rooms with floor area exceeding 100 square feet in size, shall be separated from the rest of the building by not less than a one-hour occupancy separation.
- 2) When approved by a Building Official, existing wood lath and plaster in good condition or ½ inch (12.7 mm) gypsum wallboard may be accepted where one-hour occupancy separations are required.

- (a) In a Certified Historic Structure as defined in Minn. R. 1311.0301, where the existing wall and ceiling finish is wood lath and plaster, 1-hour fire-resistant construction is not required and need not be provided.
- 3) A separation need not be provided for such rooms with equipment serving only one dwelling unit.

J. Structural Safety.

- 1) The minimum design loads for the structure shall be the loads applicable at the time the building was constructed, provided that no dangerous condition is created. Structural members that are found to be unsound or dangerous shall comply with the applicable requirements of the Building Code for new construction.
- 2) A building, structure, or an individual structural member that has any of the conditions or defects described below, as determined by a licensed design professional, shall be replaced or strengthened when:
 - (a) The stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose, or location.
 - (b) Any portion of the building, structure, or member has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that its structural strength or stability is materially less than it was before the catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose, or location.
 - (c) Any portion of the building, structure, or member has moved, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
 - (d) The building or structure, or any portion of it, is likely to partially or completely collapse because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause.
 - (e) The exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(f) The building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls, or coverings.

(g) Any building or structure which shows damage or deterioration in any non-supporting part, member, or portion less than 50 percent, or in any supporting part, member, or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of newly constructed building or like area, height, and occupancy in the same location.

K. Weather Protection.

- 1) Every building shall be weather protected to provide shelter for the occupants against the elements and to exclude dampness.
- 2) The roof of every building or structure shall provide weather protection for the building.
- 3) All devices that were provided or are required to prevent ponding or flooding or to convey the roof water shall be capable of fulfilling that purpose.
- 4) All weather-exposed surfaces of every existing building or structure shall provide weather protection.

L. Maintenance and Degradation. All systems, devices, or safeguards that were required by a Building Code under which the building was constructed shall be maintained in conformance with the requirements of that code.

M. Accumulation of Dirt, Filth, Rubbish, or Garbage. An owner, operator or occupant of a dwelling unit may not allow the accumulation of dirt, filth, rubbish, or garbage on or about the premises occupied or controlled in a manner that could create a health hazard to the dwelling occupants or the general public.

N. Rodent Harborages in Occupied Areas.

- 1) Joint Responsibility. An owner, occupant or operator may not allow formation of rodent harborages in or about the premises he or she occupies or controls.
- 2) Occupant Responsibility for Extermination. The occupant of a dwelling containing a single dwelling unit is responsible for the extermination of rodents, insects or vermin on the premises. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit is responsible for such extermination whenever the dwelling unit is the only one infested.

- 3) **Owner Responsibility for Extermination.** The owner of a dwelling must maintain a dwelling in a reasonable rodent-proof condition. Failure to do so makes the owner responsible for extermination. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof is also the responsibility of the owner.
 - 4) **Standard:** Where subparts 2 or 3 of this subdivision give rise to a duty to undertake extermination, it is a violation of this code if the inspection does not demonstrate that such extermination has been undertaken at least to a degree that is proportionate to the need for it.
- O. **Nuisance.** An owner, operator or occupant of any dwelling unit may not allow the formation or presence of any nuisance in or about the premises.
- P. **Yard Cover.** Exposed areas surrounding (or within) a principal or accessory structure, including street boulevards which are not devoted to parking, drives, sidewalks, patios or other such uses, must be landscaped with grass, shrubs, trees, or other ornamented landscape material. Such landscaping shall be maintained in good condition and free of noxious weeds. Weeds, including tall grass, may not exceed six inches in height.
- Q. **Snow, Ice, and Stormwater Management.**
- 1) Property owners and occupants shall be responsible to abate the snow and ice from the public sidewalk located on the city boulevard that abuts or fronts their property within 12 hours after such snow or ice has ceased to be deposited.
 - 2) In no case may storm water be channeled into the sanitary sewer system. Storm water, ice, or snow may not be directed onto, or channeled across walkways or streets where it is likely to be a safety hazard.
- R. **Minimum Temperature Standards for Rental Properties.** When the temperature outside the structure is between 20 degrees below zero and 60 degrees Fahrenheit, it is the responsibility of the owner that a minimum temperature of 68 degrees Fahrenheit be maintained in a dwelling unit at a point 3 feet above the floor and 2 feet from exterior walls in all habitable rooms, unless the occupant of that unit chooses to maintain a lower temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.
- S. **Electrical Cords in Rental Properties.** Temporary wiring, extension cords or drop cords may not be used as permanent wiring.

- T. Discontinuance of Basic Services or Utilities in Rental Properties. An owner, operator, or occupant may not permit any service or utility needed for a furnace to provide heat to be shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.
- U. Occupancy Standards. The maximum permissible occupancy of a rental dwelling unit is determined as follows:
 - 1) Minimum space. For the first two occupants, 220 square feet of habitable room floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space.
 - 2) Maximum occupancy. The total number of occupants may not exceed two times the number of habitable rooms, less kitchen, in the dwelling unit.

SECTION 15.107. RENTAL DWELLING LICENSING CODE.

Subd. 1. Inspection and Licensing of Rental Dwellings.

- A. Rental dwellings license. No person may operate, let, or cause to be let, a rental dwelling unit without first having completed an application and obtained an operating license to do so from the City as hereinafter provided.
 - 1) In order to facilitate an orderly means of beginning the inspection and licensing system set forth in this Chapter the following paragraph shall apply. The owner of a rental dwelling unit must obtain a temporary permit if they have not received an operating license. A temporary permit issued before publication of this ordinance is valid until an operating license is obtained, or two years (twenty-four months) after its issuance, whichever is earlier. A temporary permit issued after publication of this ordinance expires after 24 months (subject to the Building Official's authority to extend the deadline). In no case is a temporary permit valid for more than two years (twenty-four months). During this period the City will institute an inspection program. After an initial inspection is completed and compliance with this Chapter is achieved, each temporary permit shall convert to an operating license. Thereafter the operating license shall conform to the terms of this Chapter as if it was a renewal of an operating license, and applicable fees for renewal shall apply. After publication of this ordinance and expiration of all temporary permits, no temporary permits shall be issued.
 - 2) Each operating license shall be valid for a period of two years (twenty-four months).

- 3) A license renewal application shall be filed at least 60 days prior to license expiration date, unless the City has already renewed that license based upon a scheduled inspection conducted pursuant to section C below.

B. Permit and License Exemption.

1. The owner of a rental dwelling unit is exempted from the permitting and licensing requirements of this section if the renter of the dwelling unit is related to the owner as a parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-grandparent, or step-grandchild and the owner files an affidavit with the City stating that the renter is one of these relations. The affidavit required in this paragraph must also state the address of the dwelling and must be renewed at least every two years (twenty-four months).
2. The owner must notify the City in writing within 30 days of this exemption being lost because the renter is not related to the owner as one of the above-referenced relations.

C. Rental Dwelling Inspections. No operating license may be issued or renewed unless the City determines, following an inspection conducted pursuant to this section, that the rental dwelling unit and its premises conform to the LPMR. As more specifically provided below, the Building Official and his/her agents may cause inspections, follow-up inspections, and reinspections on rental dwelling units on all classes of property within the City on a scheduled basis, and on rental dwelling units or owner-occupied residential units on all classes of property when reason exists to believe that a violation of an applicable subdivision of the LPMR exists, has been, or is being committed.

- 1) The Building Official and his/her agents are authorized to contact owners, tenants and managers of rental dwellings to schedule inspections of rental dwellings at reasonable times. They are also authorized to conduct those inspections once scheduled. These scheduled inspections will be conducted to determine whether the unit and its premises conform to the LPMR so as to inform the City's decision of whether to issue an operating license. The authority to schedule and to conduct these inspections is available even if the owner or owner's agent holds a temporary permit and without regard to whether the owner or owner's agent has filed an application for an operating license.
- 2) In addition, upon receipt of a properly executed application for an operating license, the Building Official shall cause an inspection to be made of the premises to determine whether the structure is in compliance with the LPMR. Inspections performed pursuant to the authority in subsection A or subsection B are hereinafter described as "Licensing Inspections."

- 3) In addition, the Building Official and his/her agents are authorized to conduct inspections on rental dwelling units or owner-occupied residential units on all classes of property when reason exists to believe that a violation of an applicable subdivision of the LPMR exists, has been, or is being committed. A complaint or complaints from a tenant of a rental dwelling unit shall be an adequate basis for a reinspection of a rental dwelling unit.
- 4) To increase the awareness by owners of the likely timing of requested inspections and to conserve public resources, the Building Official may schedule and conduct inspections pursuant to subsection A according to the area of the City in which the unit is located, dividing the City into zones and endeavoring to perform inspections pursuant to subsection A in one zone before beginning them in a different zone.
- 5) If a structure or rental dwelling unit is not in compliance, one or more follow-up inspections or reinspections may be conducted to verify that conditions and any corrections conform to the provisions of the LPMR.
- 6) When the basis for the inspection pursuant to this section is information observed or obtained during a Licensing Inspection, such reinspection or follow-up inspection shall be conducted on a scheduled basis.
- 7) Owners of rental dwelling units shall report to the City the full names, telephone numbers and addresses of the principal tenant of all rental dwelling units under their ownership or control, and update such information as needed to ensure that it is accurate and current.
- 8) When scheduling Licensing Inspections pursuant to this section, the Building Official or his/her agents will seek the consent of the owner of the property (if not already received) to inspect those areas outside of rental dwelling units that are not accessible to the general public (including any internal rooms that are inaccessible to the public, such as storage or mechanical rooms) and to unrented dwelling units, and the consent of the primary tenant of the rental dwelling unit (if not already received) to inspect that unit. If the property owner demonstrates to the satisfaction of the Building Official or his/her agents that one or more tenants have consented in writing to the inspection of their units, individual contacts by the City with those tenants may be deemed unnecessary.
- 9) If the City is unsuccessful in securing consent for an inspection pursuant to this section, the City shall seek permission, from a judicial officer through an administrative warrant, for its Building Official or his/her agents to conduct an inspection. Nothing in this Code shall limit or constrain the authority of the judicial officer to condition or limit the scope of the administrative warrant.

- 10) The scope of a Licensing Inspection shall be limited to what is necessary to determine in accordance with this subdivision whether the unit and its premises conform to the LPMR. This shall not preclude the Building Official from relying upon observations from a Licensing Inspection in seeking one or more of the remedies provided in Section 15.107.
 - 11) A Licensing Inspection must be scheduled during ordinary business hours (or as otherwise arranged with the owner or tenant). Owners and their agents, and tenants, may at their option request that Licensing Inspections above take place only when they are present, so long as the request identifies at least one date or time within the two weeks following the date of the request when the requesting party agrees to be present.
 - 12) During inspections conducted pursuant to an administrative warrant, photographs and video recordings may not be taken of areas inside the building, absent further court permission or consent of the tenant (for areas inside the unit) or the landlord (for areas inside the building but outside a tenant's unit, and areas inside an unoccupied unit).
 - 13) Building Officials are not authorized to open containers, drawers, or medicine cabinets, unless the containers, drawers, or medicine cabinets are opened with the consent of the tenant (for areas inside the unit) or the landlord (for areas inside the building but outside a tenant's unit, and areas inside an unoccupied unit). For purposes of this paragraph, a medicine cabinet is a covered cabinet located above a sink in a dwelling unit's bathroom.
 - 14) Building Officials are authorized to open cabinets (other than medicine cabinets) or closets only when it is reasonably necessary in order to inspect for the existence of one or more conditions that violates the LPMR, or when the cabinets or closets are opened with the consent of the tenant (for areas inside the unit) or the landlord (for areas inside the building but outside a tenant's unit, and areas inside an unoccupied unit)
 - 15) The information regarding the condition of the unit or its occupants that Building Officials retain after recording it in any inspection logs or forms shall be limited to descriptions of conditions constituting a violation of the LPMR. Building Officials may record a list of conditions that the landlord or tenant is encouraged to repair or change but which do not constitute a violation of the LPMR, if that list is not retained by the Building Official or City but is instead simply given to the landlord or tenant.
- D. Inspection Not Required. Inspection for the issuance or renewal of a license may be waived by the City if the owner of a dwelling unit proves that within the previous 12 months the dwelling unit passed an inspection required by the City, State, or Federal regulations that is at least as stringent as the inspection required under this section. The City has sole discretion to determine when an

inspection program is at least as stringent as the inspection required under this section. Inspections conducted as the result of a complaint made to the City may not be waived under this provision.

- E. Application Contents. Owners of one or more rental dwelling units who have not yet received a temporary permit or operating license are responsible for applying with the City for either a temporary permit or an operating license. Before any portion of a property is used as a rental dwelling unit, the owner must first secure either a temporary permit or an operating license. With either application, the owner must supply:
- 1) Name, physical address, mailing address, email address, and telephone number of dwelling owner, owning partners if a partnership, corporate officers if a corporation;
 - 2) Name, physical address, mailing address, email address, and telephone number of designated resident agent, if any;
 - 3) Name, physical address, mailing address, email address, and telephone number of vendor, if the dwelling is being sold through a contract for deed;
 - 4) Legal address and property identification number of the dwelling;
 - 5) Number of dwelling units within the dwelling;
 - 6) At least one emergency telephone number;
 - 7) The names, telephone numbers and addresses of principal tenants, if any, are required in Section 7 above.
- F. Following Acquisition. A new owner must register a newly acquired rental residential property within ten (10) days after acquiring it, by applying for either a temporary license or an operating license. The Building Official must be notified of any address change within ten days.
- G. Administrative Charge. Failure to obtain either a temporary permit as required by this section, or an operating license, will subject the owner of a dwelling unit to an administrative service charge up to double the cost of the permit.
- H. License and Inspection Fees. The license and inspection fees are charged at the time of the application of the respective license and are due within thirty (30) days of the date of the invoice; in the cases of newly constructed residential unlicensed rental dwelling units, license fees are due upon issuance of the certificate of occupancy; in the cases of licensing periods of less than two (2) years, license fees will be pro-rated monthly. A license fee paid later than ten (10) working days after the prescribed date is subject to an additional

administrative service charge double the amount of the license. Once issued, a license is nontransferable and the licensee is not entitled to a refund of any license fee upon revocation or suspension, or transfer of ownership. License and inspection fees shall be as established by the City Council.

- I. **Resident Agent Required.** An operating license may not be issued or renewed for a nonresident owner of rental dwelling units (one who does not reside in any of the following Minnesota counties: Anoka, Chisago, Hennepin, Isanti, Ramsey, Sherburne, Washington) unless such owner designates in writing to the Building Official the name, address, and telephone number of his resident agent (one who does reside in any of the following Minnesota counties: Anoka, Hennepin, Isanti, Ramsey, Sherburne, Washington) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the City Code and to receive orders or process pursuant to law. The Building Official must be notified in writing of any change of resident agent or agent address or telephone number change within ten (10) days. This requirement may be waived if, in the Building Official's determination, the owner not living in one of the above specified counties is nonetheless sufficiently accessible for the purposes of the LPMR.
- J. **Participation in Crime-Free Multi-Housing Program.** All owners of rental dwelling units must participate in the Crime-Free Multi-Housing Program. Participation is a condition precedent to the renewal of an operating license. For the purposes of this section, "participation" means documented attendance at a City-approved educational program that addresses crime prevention and housing issues, and inclusion of a City-approved, Crime Free Rental Housing lease addendum in each rental agreement.
- K. **Posting of Permit or License.** The current temporary permit or operating license of a multiple dwelling unit, or a legible copy thereof, must be conspicuously posted in the main entry way or a conspicuous exterior location of the respective multiple dwelling unit. In the case of one-family and two-family dwelling units, a legible copy of the current temporary permit or operating license must be given to the renter of each unit.
- L. **License Not Transferable.** A temporary permit or operating license is not transferable to another person or to another rental dwelling. Every person holding a temporary permit or operating license must give notice in writing to the building official within 72 hours after having legally transferred or otherwise disposed of the legal control of any permitted or licensed rental dwelling. The notice must include the name and address of the person succeeding to the ownership or control of such rental dwelling or dwellings. The person succeeding to the ownership or control of the rental dwelling or dwellings must obtain a temporary permit or operating license in order to continue operating the rental dwelling or dwellings. An inspection is not required to obtain this temporary permit or operating license unless the rental dwelling or dwellings have not been

inspected within two years (twenty-four months) of the transfer of ownership or control.

- M. Violation. Any person that maintains a rental dwelling unit without having either a valid temporary permit or a valid operating license, or permits new occupancy in violation of this subdivision, is guilty of a misdemeanor. In addition to criminal sanctions, the City may impose an administrative fee in an amount set in the City Fee Schedule and may give notice of intent to cease providing city services to the dwelling unit. An administrative fee may be appealed pursuant to Section 15.180. Upon the failure to successfully appeal an administrative fee within the period established in Section 15.180 the City may post the dwelling unit as illegal for habitation, and cease providing city services to the dwelling unit. Thereafter, the dwelling unit may not be occupied by anyone other than the primary homestead owner and that person's immediate family until (a) the administrative fee has been paid, (b) city services are restored, and (c) a rental license is obtained or the City is satisfied that the dwelling unit will not be used as a rental dwelling unit. Each day of each violation constitutes a separate offense.

Subd. 2. Administration and Enforcement.

- A. Administration and Enforcement. The Building Official and his/her designee administer and enforce the provisions of the LPMR. They may enforce the standards of the LPMR through the licensing and inspection programs set forth in Subd. 1 and, where appropriate, through the powers set forth below.
- B. Authority. In the absence of a timely appeal under the LPMR or any other applicable provision of law, the Building Official is the final authority in the determination of a violation under the LPMR.
- C. License Suspension and Revocation. A temporary permit or operating license is subject to suspension or revocation by the City Council if the holder fails to operate or maintain permitted or licensed rental dwellings and units therein consistent with the provisions of the City Code and the laws of the State of Minnesota. In the event that a permit or license is suspended or revoked by the City Council, or expires without renewal, it is unlawful for the owner or his duly authorized agent to thereafter permit any new occupancy of vacant or thereafter vacated rental dwelling units until such time as a valid license may be obtained or restored by the City Council. During the period dwelling or unit is unlicensed, the City shall discontinue all utility service.
- D. Compliance Order. Whenever the Building Official determines that any rental dwelling unit, or the premises surrounding any of these, fails to meet the provisions of the LPMR, the Official may issue a compliance order setting forth the violations of the code and ordering the owner, occupant, operator, or agent to correct such violations.

- 1) The Compliance Order (“Order”) must be in writing and describe the location and nature of the violations of the LPMR;
 - 2) The Order must establish a reasonable time, not to exceed 90 days, for the correction of such violations.
 - (a) When a violation of the LPMR constitutes an imminent peril to life, health, or property, an immediate and exact time for the correction of the violation constitutes a “reasonable time” for correction for purposes of this subpart. When this is the case, no stay of proceedings in furtherance of action will be granted on appeal.
 - (b) A reasonable time may be longer than ninety (90) days if correction is not possible because of prevailing weather conditions;
 - 3) The Order must 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 15.180;
 - 4) The Order must state that in the event the violations are not corrected within the time set in the compliance order, the license may be suspended, city services to the dwelling may be suspended, or that the necessary work may be performed by the City at the expense of the owner and that if the owner does not pay for the expense, the cost of the work will be assessed against the property.
 - 5) The Order must be served upon the owner or his/her agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:
 - (a) Served personally, or
 - (b) Deposited in the U.S. Mail, addressed to the owner or agent at their last known address with first-class postage prepaid, or
 - (c) Sent via email to the email address of the owner or agent as declared in the last rental license application or renewal on file with the City.
 - (d) Upon failure to affect notice by personal service, by mail, or email, notice may be posted at a conspicuous place in or about the dwelling which is affected by the notice. Failure to affect notice by posting is not a requirement to affect service after a failure of another means of service.
- E. Emergency Cases. For purposes of subpart 2(a) above, situations which constitute an imminent peril to life, health, or property include, but are not limited to the following:

- 1) Heating systems that are unsafe as defined in Section 15.102 due to: burned out or rusted out heat exchanges (fire box); burned out, or plugged flues; lack of proper venting; being connected with unsafe gas supplies; or being incapable of adequately heating the living space.
 - 2) Water heaters that are unsafe as defined in Section 15.102 due to: burned out or rusted out heat exchanges (fire box); burned out, rusted out, or plugged flues; lack of proper venting; being connected with unsafe gas supplies; or lack of temperature and pressure relief valves.
 - 3) Electrical systems that are unsafe as defined in Section 15.102 due to: dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; improper or overloaded fuses; exposed uninsulated wires; distribution systems of extension cords or other temporary methods; ungrounded appliances in a hazardous condition.
 - 4) Plumbing systems that are unsanitary due to:
 - (a) leaking waste systems fixtures and traps;
 - (b) lack of a toilet;
 - (c) lack of washing and bathing facilities;
 - (d) cross connection of pure water supply with fixtures or sewage lines.
 - 5) Structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems that are unsafe as defined in Section 15.102.
 - 6) Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, other materials that are unsanitary.
 - 7) Infestation of rodents, insects, and other vermin.
- F. Follow-up Inspection. At the end of the period allowed for the correction of a violation specified in the compliance order, the Building Official shall make, or attempt to make, a follow-up inspection of the premises to determine whether corrective actions have been sufficient to bring the violation(s) into compliance:
- 1) If the premises are in compliance with the requirements of this section at the time of the follow-up inspection, a license may be issued in accordance with the requirements of Section 15.107.
 - 2) If the Building Official determines that the violation(s) has not been corrected and the rental unit(s) has not been vacated, the Building Official

shall suspend any existing license. Except that no suspension shall be effect unless or until the violator has had, or waived his right to a hearing before the City Council. The Building Official also may issue a citation, or may cause the filing of a formal complaint summoning the responsible party into court. The citation shall reiterate the charge and the ordinance section(s) violated. The City may also take action to correct violations under the provisions of Section 15.107, subdivision 2.

- 3) After a suspension, the property owner may pay a reinspection fee and request a reinspection and reinstatement of the license. If the Building Official determines that the violation(s) has been corrected and the rental unit(s) and building comply with the LPMR, the license shall be reinstated. Fees for a reinspection may apply as outlined in the City Fee Schedule.

G. Execution of Compliance Orders by Public Authority. Upon the failure to comply with a compliance order within the time set therein, the rental unit(s) not being vacated, and no appeal having been taken, the criminal penalty established hereunder notwithstanding, the City Council may by resolution direct the Building Official to remedy the deficiency (deficiencies) cited in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429. Such action will not be taken, however, without a good faith effort on the part of the City to provide the property owner with advance notice of its intention to proceed with repairs and assessment of the costs of repairs to taxes.

H. No Warranty by City. By enacting and undertaking to enforce the LPMR neither the City nor its Council, agents or employees warrant or guarantee the safety, fitness or suitability of any dwelling in the City. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the license.

SECTION 15.108. UNSAFE AND HAZARDOUS BUILDINGS, STRUCTURES AND EXCAVATION.

Subd. 1. Hazardous Building And Excavations Prohibited. It is unlawful for the owner of premises to allow a hazardous building or hazardous excavation thereon. Each day such condition is permitted shall constitute a separate offense. For the purpose of this Section, the terms "owner," "hazardous building," and "hazardous excavation" shall have the meanings and usages ascribed to them in Minnesota Statutes, §§ 463.15 through 463.261 and as set forth in this Chapter. Provided, that this Section shall not be the exclusive remedy, the City may proceed as the City deems appropriate under said statutory sections for abatement and other remedies therein set forth, or under provisions of the City Code. The filing of criminal charges

hereunder or the conviction thereof shall not prohibit, void, or nullify any abatement proceedings or other remedies available to the City.

Subd. 2. Unsafe Buildings And Structures.

- A. Definition and Abatement. All structures, whether the same be buildings or otherwise, including hazardous buildings as defined in Minn. Stat. § 463.15, which are structurally unsafe or, when applicable, not provided with adequate ingress and egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, unsanitary conditions, physical damage, obsolescence, fire hazard, or abandonment; as specified in the Building Code, another provision of the City Code, or any other law or regulation; are, for the purpose of this Section, unsafe structures. All such unsafe structures are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified herein.
- B. Notice to Owner. The Building Official or designee shall cause to be examined every structure or portion thereof which is dangerous or damaged and, if such is found to be an unsafe structure, the City shall give to the owner of such structure written notice stating the defects therein, and shall, in detail, indicate the improvements or repairs to be made and may state that if repairs and improvements are impractical and not economically feasible so as to ultimately provide for the public safety and health, that such structure shall be removed. This notice may require the owner or person in charge of the structure or premises, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the structure or portions thereof, and all such work shall be completed within a reasonable period of time as so stipulated in the notice by the City. Such notice may require the structure, or portion thereof, to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the City.
- C. Proper service of such notice shall be by personal service upon the owner of record or by registered or certified mail, return receipt requested. The designated period within which said owner is required to comply with the order of the City shall begin as of the date of delivery shown upon the return receipt, or the affidavit of service. If, in the event of an emergency situation the City determines that to protect the public interests of health and safety, precautions and/or repairs or removal must be conducted immediately, the City shall order the immediate barricade of any or all areas surrounding such structure causing the emergency condition and shall notify the owner of record forthwith and order repairs to be commenced immediately. In the event notice cannot be made effective in sufficient time for the owner to abate the condition or properly barricade the area, the Building Official or designee shall order any necessary precautions to protect the public and notice of such actions shall be made on the owner of record

forthwith. It is unlawful for any person owning or controlling a structure within the City to deny access to the City for purposes of this Section, nor shall the City be liable for trespass but the right of entry for the City shall be presumed to exist; and if need be, the Building Official or designee is authorized to obtain a warrant to effectuate performance of the LPMR, or for entry or correction of violations thereof found on the premises.

- D. **Hearing Procedure.** Within twenty (20) days from the date of service, any person upon whom the order is served may request a hearing by the City Council in compliance with such provisions relating to administrative appeals contained in the City Code and by making such request in writing to the , City Administrator, Building Official or their designee. If such a hearing is requested, the execution of the order prepared by the City shall be stayed and the time period as provided in the notice shall not commence until such hearing has taken place and the order of the Council given. (The requirements of this Subdivision, however, shall not infringe upon the rights of the City in the event of an emergency as described in Paragraph C of this Subdivision). If an emergency situation exists as referenced in Paragraph C of this Subdivision, the hearing shall be held forthwith and demand for such hearing must be made within fourteen (14) days by the person upon whom notice is served following receipt of such notice.
- E. **Posting of Signs.** The City shall post notices warning the public of known dangers pursuant to this Chapter. Notices may be posted after the hearing described above, or in the event of an emergency, notices may be posted immediately. The City shall post notices at each entrance and at other points deemed appropriate. The notice should read: DO NOT ENTER, UNSAFE TO OCCUPY, CITY OF LEXINGTON. Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the Building Official or designee and no person shall enter the structure except for the purpose of making the required repairs or demolishing the structure.
- F. **Right to Demolish.** In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the Council may order the owner of the structure prosecuted for violation of the provisions of this Section, or order the Building Official or designee to proceed with the work specified in such notice or the demolition of such structure, or both.
- G. **Costs.** The Building Official or designee shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses theretofore incurred in connection therewith. Such costs shall be charged and assessed to the owner of the premises involved as a special assessment and shall be collected in the manner ordered by the Council provided for by special assessments.

- H. **Unlawful Act.** It is unlawful for the owner of any property to suffer or permit an unsafe building as defined herein to remain thereon. Each day such condition is suffered or permitted shall constitute a separate offense. In cases of multiple or corporate ownership, any person or persons exercising ownership control, either individually or with others, who refuses to order the action required herein shall be deemed to be the owner causing the violation and subject to prosecution and conviction hereunder.
- I. **Secure Vacated Buildings.** The owner of any dwelling, dwelling unit, or rooming unit which is vacant for a period of six (6) days or more, must make same safe and secure so that it is not hazardous to the health, safety, or welfare of the public and does not constitute a public nuisance. Any vacant dwelling open at doors or windows, if unguarded, shall be deemed a hazard to the health, safety, and welfare of the public and a public nuisance within the meaning of this ordinance, and may be secured by the City under the provisions of Minn. Stat. § 463.251.
- J. **Standards for Boarded Openings.** All boarding over windows, doors or other openings shall be covered with ½” or thicker CDX plywood that is primed and painted to a light or matching color. The board(s) shall be the minimum number of pieces needed to cover the opening, well cut to fit and placed so there are no protruding edges. The board(s) shall be mounted in such a manner or sealed at edges so that rainwater is shed away from interior structural components. Fasteners shall be galvanized or anodized finish and shall be placed at board corners and then no further than 12 inches apart around the board perimeter.

Subd. 3. Hazardous Excavations. If an excavation for building purposes is left open for more than two months without proceeding with the erection of a building thereon, whether or not completed, or if any excavation or basement is not filled to grade or otherwise protected after a building is destroyed, demolished, or removed, the City Council may order such excavation to be filled or protected or in the alternative that erection of a building must begin forthwith if the excavation is for building purposes. The order shall be served upon the owner by personal service or by registered or certified mail, return receipt requested. If the owner of the land fails to comply with the order within fifteen (15) days after the order is served, the City Council shall order the excavation to be filled to grade or protected. The Building Official or designee shall keep an accurate account of the expenses incurred in carrying out the orders and of all other expenses theretofore incurred in connection therewith. Such costs shall be charged and assessed to the owner of the premises involved as a special assessment and shall be collected in the manner ordered by the Council provided for by special assessments.

Subd. 4. Unfit for Human Habitation.

- A. **Local Public Health Act.** Under the Local Public Health Act, the Anoka County Community Health Board (or its agent) has the responsibility to order an owner or

occupant of a property to remove or abate a threat to the public health which is found on the property, such as a public health nuisance (i.e., a garbage house), source of filth, or cause of sickness. Minn. Stat. §§ 145A.01-.17.

- B. Building Official. Under the City Code, Building Officials or his/her designee shall order an owner or occupant of a property to remove or abate a threat to the public health which is found on the property which otherwise violates the LPMR. When unabated, the Building Official shall order a dwelling unfit for human habitation.
- C. Unfit Dwellings. Any dwelling, dwelling unit, or rooming unit or portion thereof which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, or which lacks provision for basic illumination, ventilation, or sanitation facilities to the extent that the defects create a hazard to health, safety, or welfare of the occupants or of the public, or which otherwise fails to meet the requirements of this Section, may be declared unfit for human habitation. Whenever any dwelling, dwelling unit, or rooming unit has been declared unfit, the Building Official shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation, and any registration previously issued for such dwelling shall be revoked.
- D. Removal of Declaration Placard. It shall be unlawful for such dwelling, dwelling unit, or rooming unit, or portion thereof, to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Building Official. No person other than the Building Official shall deface or remove the declaration placard from any such dwelling unit.

SECTION 15.109 THROUGH 15.179, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 15.180. APPEALS.

Subd. 1. Right of Appeal. Any person aggrieved by a compliance order may appeal the compliance order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee in cash or cashier's check, and must be filed with the City Clerk within ten (10) business days after service of the compliance order. If an appeal is not filed within the timelines and in the manner specified herein, the Building Official's decision shall be final. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, property or public safety.

Subd. 2. City Council Decision. Upon at least five (5) business days' notice to the appellant of the time and place for hearing the appeal, and within thirty (30) days after said appeal is filed, the City Council or the individual or committee designated by the Council as the appeal body, must hold a hearing thereon, at which the applicant may appear and present evidence as to why the compliance order, or any portion

thereof, should not be issued. If an individual or committee other than the City Council hears the appeal, it shall make a recommendation to the City Council. The City Council may reverse, modify or affirm, in whole or in part, the compliance order and shall order return of all or part of the filing fee if the appeal is upheld. The City Council or appeal committee or officer may postpone a meeting and hold hearing at a later date, not to exceed sixty (60) days after the appeal is filed, when it is necessary to do so.

SECTION 15.181 THROUGH 15.198, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 15.199. VIOLATION A MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. Each day of such failure to comply constitutes a separate offense. Criminal prosecution shall be in addition to any other penalty or enforcement mechanism allowed by law or equity.