

SECTION 1107.00 SPECIAL PROVISIONS.

SECTION 1107.23 HOUSING ORDINANCE FOR RENTAL PROPERTY

1107.23 SUBD. 1. PURPOSE.

- a. To provide minimum standards to safeguard life or limb, health and public welfare by regulating and controlling the use and occupancy, maintenance and repair of all buildings and structures within the City of Belle Plaine used for the purpose of rental housing.
- b. To not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Section.

1107.23 SUBD. 2. SCOPE.

- a. Shall apply to all buildings or portions thereof used, or designed or intended to be rented, leased or let for human habitation.
- b. Shall apply to dwellings in existence at the time of adoption of this Section.
- c. Shall not apply to nursing homes, motels, hotels or bed and breakfast inns.

1107.23 SUBD. 3. APPLICABILITY TO EXISTING BUILDINGS.

Additions, alterations or repairs, shall be done in compliance with the Building, Fire, Plumbing and Mechanical Codes. Applicable permits shall apply as required by these Codes.

Properties not existing as Rental Property at the time of adoption of this Section and afterward becoming Rental Property shall, before being certified, comply with all the provisions of this Section. Properties pre-existing at the adoption of this Section shall be allowed a reasonable time to comply. Reasonable time being defined on a case-by-case basis subject to the discretion of the Code Official.

1107.23 SUBD. 4. ENFORCEMENT.

a. Authority. The Building Official is hereby authorized and directed to enforce or cause the enforcement of all of the provisions of this Section. For such purposes, the Building Official or his/her designated representative shall have the powers of a code official. The code official shall have the power to render interpretations of this Section. Such interpretations shall be in conformity with the intent and purpose of this Section.

b. Right of Entry. When it is necessary to make an inspection to enforce the provisions of this Section, or when the Code official or Housing Inspector has reasonable cause to believe that there exists in a building or upon a premises a condition that is contrary to or in violation of this Section, the Code official or Housing Inspector may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Section, provided that property owner is notified and either property owner or tenant or other person having charge or control of the building or premises permits entry. If entry is refused, the Code Official or Housing Inspector shall have recourse to the remedies provided by law to secure entry.

---

1107.23 SUBD. 5. RESPONSIBILITIES DEFINED.

Owners remain liable for violations of duties imposed by this Section even though an obligation is also imposed on the occupants of the building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Section.

a. Buildings and structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be re-inspected.

b. Owners, in addition to being responsible for maintaining buildings 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 (2) or more dwelling units.

c. Owners shall, when required by this Section, health laws or the health officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be responsible for any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

d. Occupants of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which they occupy and control, shall properly dispose of their recyclables, rubbish, garbage and other organic waste.

e. Occupants shall, when required by this Section or city ordinance furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary.

1107.23 SUBD. 6. SUBSTANDARD BUILDINGS.

Buildings or portions thereof that are determined to be substandard as defined in this Section are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.

1107.23 SUBD. 7. APPEALS.

Any person aggrieved by an order, requirement, decision or determination made by the Code Official or Housing Inspector pursuant to this Section may, within fourteen (14) days of the decision, appeal to the Board of Appeals in accordance with Section 1103.04.

1107.23 SUBD. 8. VIOLATIONS, CRIMINAL.

A violation of any provision of this Section is a misdemeanor. Each day the property is in violation is a separate violation.

1107.23 SUBD. 9. VIOLATIONS, CIVIL.

Whenever it is determined by the Code Official that any property upon inspection there is found alleged violations, a correction notice shall be issued to the owner or designated representative. Such alleged violations must be corrected, re-inspected and verified by the Code Official for compliance with this Section within the time period as set forth:

a. Smoke Detector Violations. Corrections must be completed immediately and re-inspected within three (3) working days.

b. All Other Violations. Preparations for the actual work for correcting the alleged violations shall be commenced immediately and work re-inspected within twenty-five (25) working days OR within the time period as specified by the Code Official.

1107.23 SUBD. 10. PENALTIES.

The following penalties shall be imposed upon the property owner(s) if the alleged violations are not corrected and verified by the Code Official within the time period allowed by this Section:

a. Fines. \$50.00 fine. An additional charge of \$5.00 per day commencing on the day that the alleged violation or violations continue after the expiration of the specified reasonable consideration period as established by this Section and extending thereafter until the violation or violations are verified by the Code Official.

1107.23 SUBD. 11. EXTENSIONS.

Extensions may be granted by the Code Official. The request shall be made in writing with justifiable cause demonstrated for the requested extension. All requests shall be made and delivered to the Code Official prior to the expiration date of the violation or violations.

a. Extensions may be granted the Code Official upon due evidence shown that the property owner is using all reasonable means necessary to mitigate concerns raised by the Code Official.

1107.23 SUBD. 12. ORDERS AFTER AN APPEAL.

After any order of the Code Official or the Board of Appeals made pursuant to this Section becomes final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor and is subject to fines as stated in Section 1108 or as specified by the Board of Appeals.

1107.23 SUBD. 13. PROHIBITED ACTS.

Anyone involved in any of the following shall be guilty of a misdemeanor:

- a. No License. Allowing the occupancy of a dwelling unit or rooming unit prior to the issuance of a rental housing license and payment of the license inspection fee.
- b. Over Occupancy. Permitting a dwelling unit or rooming unit that is occupied by more persons than the dwelling unit or rooming unit is certified for.
- c. Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies shall be considered substandard.
- d. Occupying Vacated Unit. Occupies or allows occupancy of a unit that was posted and ordered vacated.
- e. Occupying Uncertified Bedrooms. Occupies or allows occupancy of a room as a bedroom that is not certified as a bedroom and does not qualify as a bedroom.

1107.23 SUBD. 14. TAMPERING OR NON-FUNCTIONING SMOKE DETECTOR.

Any occupant, owner or manager of a dwelling or rooming unit who willfully disables a smoke detector or causes it to be nonfunctioning is guilty of a misdemeanor. If the unit is occupied by more than one (1) tenant, each tenant shall be held accountable.

- a. Notification. The occupant of a dwelling or rooming unit must notify the owner or manager of the unit within twenty-four (24) hours of discovering that a detector is not functioning. The owner or manager shall take immediate action to render the detector operational or replace it.

1107.23 SUBD. 15. RENTAL HOUSING LICENSE

a. Application. The owner or manager of a structure, in which one (1) or more dwelling units or rooming units are let or intended to be let, shall make application for a rental housing license prior to letting the unit, unless such unit is currently certified. An owner or manager of such structure shall not allow occupancy of such unit until the certification-inspection fee has been paid and a rental housing license has been issued. The Code Official or Housing Inspector may issue a temporary rental housing license not exceeding three (3) months in duration in order to bring the unit into compliance with this Section.

b. Issuance. The Code Official or Housing Inspector shall issue a rental housing license for each dwelling, dwelling unit or rooming unit, when upon inspection finds such unit meets or exceeds the minimum requirements set forth by this Section; also a rental housing license shall be issued for each dwelling, dwelling unit or rooming unit, when a variance has been granted by the Board of Appeals; provided, however, it is found that no condition exists, in a shared or public area of the building or in any other part of the unit, which could endanger the health or safety of the occupants of such unit or of the public. Such license shall show the number of occupants for which the dwelling, dwelling unit or rooming unit is approved for and once issued shall remain valid until it expires or such time as

---

the Code Official or Housing Inspector determines that the dwelling, dwelling unit or rooming unit does not meet the minimum requirements set by this Section.

c. Renewals. A rental housing license shall expire two (2) years after the date of issuance. Re-inspection of all dwellings, dwelling units or rooming units shall be required prior to issuance of a new certificate. Applications for licenses shall be made in writing on forms provided by the City and accompanied by the fee amounts as established by the City Council. Such application shall be submitted at least sixty (60) days prior to the expiration date of the license.

d. Revocation. A Rental Housing License may be suspended or revoked as prescribed in this Section:

1. Every license or permit issued under this Section is subject to the right, which is hereby expressly reserved, to suspend or revoke the same should the license holder or their agents, employees, representatives, or lessees directly or indirectly operate or maintain rental dwellings contrary to the provisions of this Section or any other City Code provision, or any permit issued by the City or the laws of the State of Minnesota.

2. The license may be suspended or revoked by the City Council after written notice is sent the license holder specifying the ordinance or law violations with which they are charged. This notice shall also specify the date for hearing before the City Council, which shall not be less than ten (10) days from the date of the notice.

3. At such hearing before the City Council, the license holder or their attorneys may submit and present witnesses on their behalf.

4. After a hearing, the City Council may suspend or revoke the license if the Council deems it necessary to protect public health, safety or general welfare.

e. Fees. A Rental Housing License-inspection fee as established by the City Council.

f. Complaint Inspections. The Code Official or Housing Inspector shall inspect a unit upon receiving a legitimate complaint. Complainant's name shall be kept confidential pursuant to the Minnesota Data Privacy Act. Upon inspection and finding a violation the inspector shall notify the owner, manager or tenant in writing to correct the violation. The owner or manager may request an advisory inspection of a unit.

g. Protocol of complaints. Prior to contacting the City, Tenants shall first notify the building owner of a complaint in writing, requesting action to correct the issue. Complaints relating to no heat, water, sanitation, may be made both

verbally and in writing. Issues relating to immediate life safety are exempt from the provisions of this Subsection.

h. License availability. Licenses shall be made available upon request.

1107.23 SUBD. 16. SPACE AND OCCUPANCY STANDARDS.

No dwelling or dwelling unit shall be let for occupancy to another, which does not comply with the following requirements:

a. Room Dimensions. Room dimensions shall comply with the following requirements:

1. Ceiling Heights. Habitable space shall have a ceiling height of not less than seven (7) feet measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than forty-eight (48) inches on center, ceiling height shall be measured to the bottom of these members. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half (1/2) the area thereof. No portion of the room measuring less than five (5) feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

2. Floor Area. Dwelling units and congregate residences shall have at least one (1) room for common living area that shall have not less than one hundred twenty (120) square feet of floor area. Rooms used for sleeping purposes by one (1) person shall have an area of not less than seventy (70) square feet. Where more than one (1) person occupies a room used for sleeping purposes, the required floor area shall be fifty (50) square feet for each occupant.

3. Width. No habitable room other than a kitchen shall be less than seven (7) feet in any dimension.

b. Kitchen. 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 that is 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. Sinks shall be of nonabsorbent materials.

2. 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.

3. Cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

c. Lighting. All enclosed portions of the dwelling unit customarily occupied by human beings shall be provided with natural light by means of exterior glazed openings with an area not less than one eighth (1/8) of the total floor area, or shall be provided with artificial light. Such openings shall open directly onto a public way or a yard or court.

1. Public hallways, corridors, stairways and other exit facilities shall be adequately lighted.

d. Ventilation. Guestrooms and habitable rooms within a dwelling unit shall be provided with natural ventilation by means of openable exterior openings with an area of not less than four percent (4%) of the floor area of such rooms with a minimum of four (4) square feet. Exterior openings for natural ventilation shall be provided with tight fitting insect screens. Bathrooms, water closet compartments and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than four (4) percent of the floor area of such rooms with a minimum of one and one-half (1 ½) square feet. In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub, shower or combination thereof; and similar rooms, a working mechanical ventilation system connected directly to the outside.

e. Sanitation. All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Plumbing Code.

1. Dwelling Unit. Dwelling units shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.

2. Rooming Units. Where private water closets are not provided, there shall be provided at least one (1) bathroom accessible from a public hallway.

3. Bathroom Accessibility. Where bathrooms are shared by rooming units by occupants of a dwelling unit, the bathroom shall

be located so that no occupant has to pass through another occupant's room to use the facility.

4. Room Separations. Every water closet, bathtub or shower required by this Section shall be installed in a room that will afford privacy to the occupant. Bathrooms shall be separated from food-preparation areas by a tight fitting door.

5. Floor Coverings. Bathroom floors shall have a smooth, hard nonabsorbent surface such as vinyl tile, vinyl sheet goods, ceramic tile or concrete. Floor surfaces shall be maintained in good condition so the floor can be maintained in a sanitary condition.

1107.23 SUBD. 17. STRUCTURAL REQUIREMENTS.

All existing structural components are deemed acceptable provided that, in the opinion of the Code Official, such components have been properly maintained and do not make the building or property hazardous as defined by MN State Statute 463.15 Sub.3.

1107.23 SUBD. 18. MECHANICAL, ELECTRICAL AND PLUMBING REQUIREMENTS.

a. Heating. Dwelling units and guestrooms shall be provided with heating appliances capable of maintaining a room temperature of sixty-eight (68) degrees Fahrenheit at a point three (3) feet above the floor in all habitable rooms, bathrooms and water closet compartments. Owners shall turn on the heating appliances when the outside temperature falls to sixty-four (64) degrees Fahrenheit or below. Such facilities shall be installed and maintained in a safe condition and in accordance with their listings. Un-vented fuel-burning appliances are not permitted. All heating devices or appliances shall be of an approved type.

1. Chimneys and Vents. Every fuel-burning appliance shall discharge the products of combustion to a vent, factory-built chimney, masonry chimney or a chimney or vent that is approved by the appliance manufacturer. Chimneys or vents shall be designed for the type of appliance being vented.

2. Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

3. Hazardous Mechanical Equipment. Mechanical equipment that was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good and safe condition shall be considered substandard.

b. Electrical. The electrical service, lines, switches, outlets, fixtures and fixture coverings, and supports in every building or structure shall be in good repair. Broken, loose, frayed, inoperative, defective or missing portions shall be repaired or replaced. All unsafe conditions shall be corrected.

1. Electrical Equipment. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. All electrical equipment shall be of an approved type.

A. Extension cords shall be used only with portable appliances and shall not be used as a substitute for permanent wiring. Extension cords shall be plugged directly into an approved outlet, power tap or multi-plug adapter and shall, except for approved multi-plug extension cords, serve only one (1) portable appliance. The amp capacity of the extension cord shall not be less than the rated capacity of the portable appliance supplied by the cord and shall be grounded when serving a grounded appliance. Extension cords shall be maintained in good condition without splices, deterioration or damage. Extension cords and flexible cords shall not be attached to the structure, extend through walls, ceilings, and floors or under doors or floor coverings, or be subject to environmental or physical damage.

2. Switches and Outlets. Every habitable room shall be provided with at least one (1) switched ceiling or wall light and one (1) duplex outlet.

A. Every water closet compartment, bathroom, laundry room and furnace room shall contain at least one (1) electric light fixture and one (1) convenience outlet.

B. Outlets within six (6) feet of a sink or bathtub shall be Ground Fault Interrupted (GFI) outlets.

3. Hazardous Electrical Wiring. Electrical wiring that was installed in violation of ordinance requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has been maintained in good condition or that is not being used in a safe manner shall be considered substandard.

c. Plumbing. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed.

---

All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

1. Fixtures. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation. All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.

2. Plumbing System Leaks. Leaking drain or supply lines shall be repaired or replaced. All unsafe conditions shall be corrected.

3. Plumbing System Hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or to the structure by reason of inadequate service, inadequate venting, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

4. Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture as required by the Minnesota State Plumbing Code. Hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

5. Hazardous Plumbing. Plumbing that was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not free of cross-connections or siphonage between fixtures shall be considered substandard.

1107.23 SUBD. 19. MEANS OF EGRESS.

a. General. Dwelling units or rooming units shall have access directly to the outside or to a common hallway or public corridor with egress to the outside. An exit shall not pass through a hazardous area such as a furnace room, boiler room, storage room, garage or similar areas.

b. Means of Egress System. Means of egress system shall be deemed as meeting the intent of this Section, provided that the means of egress system or systems is evaluated by the Code Official and judged to be equivalent to the exit means of egress system that was required by the Code under which the building was constructed or equivalent provisions of the currently adopted Fire Code. This includes, but not limited to, number of exits, separation of exits, egress

illumination, emergency egress illumination, emergency exit signage and illumination, corridors, corridor doors, and egress travel distance.

c. Obstruction of Egress. Means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous. All egress routes shall be properly maintained in a safe manner. A clear and unobstructed means of access with a minimum width of thirty (30) inches and a minimum height of seventy-eight (78) inches shall be maintained from the operating face of an electrical service panel, meter or switchboard. Tenants shall at all times have free access to the service panel for their dwelling unit.

d. Escape Windows. Sleeping rooms below the fourth story shall have at least one (1) operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools or special knowledge and shall open directly onto a public way or a yard or court located on the same lot as the building.

1. Escape Window Requirements. An escape window from a sleeping room shall have a minimum net clear opening of five (5) square feet. The minimum net clear opening height shall be twenty-four (24) inches and the minimum net clear opening width shall be twenty (20) inches. The finished sill shall not be more than forty-eight (48) inches above the floor. If necessary to add a window, the new window shall meet the requirements of the Building Code for a new escape window.

A. Replacement Escape Windows. When replacing an existing escape window, the replacement window shall meet the minimum requirements of an escape window as defined in this Section.

e. Security Locks. When an exit door from a dwelling unit is required to provide security from unlawful entry, the door shall be provided with a dead-bolt lock or approved device, which is operable from the inside without the use of a key, special knowledge, or extraordinary effort.

f. Inadequate Exits. Except for those buildings or portions thereof that have been provided with adequate exit facilities conforming to the provisions of this Section, buildings or portions thereof whose exit facilities were installed in violation of ordinance requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered substandard.

1. Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the code official finds that an unsafe condition exists through an improper location of exits, a

---

lack of an adequate number or width of exits, or when other conditions exist that are dangerous to human life.

1107.23 SUBD. 20. LIFE SAFETY.

a. General. All buildings or portions thereof shall be provided with the degree of fire resistive construction, fire warning devices and fire extinguishing devices as provided by this Section and the Fire Code.

b. Smoke Detectors. Single station smoke detectors shall be installed on each floor and basement. A detector shall also be located in each bedroom. The inspector may require additional smoke detectors where additional protection may be required.

1. Power Supply. The power supply can be either by battery operation or by the building wiring with battery backup.

c. Fire Extinguishers. All rental units shall be equipped with a fire extinguisher with a minimum rating of 2A 10BC. The extinguisher shall be located within the individual dwelling unit or in a common hallway or corridor within fifty (50) feet of the dwelling unit door.

1. Fire extinguishers shall be serviced at least annually or as required by the Code Official. A tag with the name of the servicing company and the service date shall be affixed to the extinguisher and shall remain affixed until the next servicing.

d. Fire Sprinkler Systems and Fire Alarm Systems. All existing fire sprinkler systems and fire alarm systems shall be maintained in accordance to the current Fire Code.

e. Inadequate Fire-protection or Firefighters Equipment. Buildings or portions thereof shall be considered substandard when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this Section, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

f. Carbon Monoxide detectors. Carbon Monoxide detectors shall be required in each rental unit where the heating source or other fuel fired appliance presents a danger of carbon monoxide exposure or poisoning.

1107.23 SUBD. 21. GENERAL BUILDING REQUIREMENTS.

a. Building Identification. Every building shall have the assigned street numbers displayed on the building in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall be no less than

four (4) inches in height and shall contrast with the background on which they are displayed.

b. Handrails. Stairways having four (4) or more risers shall have a continuous full-length handrail on at least one (1) side. The handrail shall be mounted no less than thirty-four (34) inches or no more than thirty-eight (38) inches above the nosing of the stair tread. The handgrip portion of the handrail shall not be less than one and one-quarter (1 ¼) inches and no more than two (2) inches in cross-sectional dimension. The ends of the handrails shall be returned to the walls.

1. Stairways that are sixty-six (66) inches in width or more require handrails on both sides.

2. Existing handrails that are not deemed to be hazardous by the Code Official or Housing Inspector are allowed to remain as they are.

c. Guardrails. Unenclosed floor and roof openings, open sides of stairways, landings, decks, balconies, porches or occupied roofs which are more than thirty (30) inches above the grade or floor below shall be protected by a guardrail. Guardrails shall be a minimum of thirty-six (36) inches high. Open railings shall have intermediate rails, spindles or an ornamental pattern such that a four (4) inch sphere can not pass through. When approved by the Code Official, the spacing between intermediate railings or openings in existing ornamental patterns may be accepted.

1. Existing guardrails that are not deemed to be hazardous by the Code Official or Housing Inspector are allowed to remain as they are.

d. Refuse. The property owner or property manager shall provide an adequate number of refuse containers to contain the amount of refuse produced on the property or as required by Section 401 of the City Code. Containers shall be rodent and animal proof plastic, fiberglass or rust resistant metal with a tight fitting cover. Containers shall have a maximum capacity of thirty-five (35) gallons with two (2) handles or a container of any size supplied by the waste removal company that can be mechanically lifted. It shall be the tenant's responsibility to place their garbage and refuse in the approved refuse containers provided by the owner. The owner or manager shall be responsible for ensuring that the garbage and refuse is removed from the property at least once every seven (7) days. Refuse containers shall not be stored in a front yard. Containers with a capacity of one and one-half (1 ½) cubic yards or more shall not be stored in a building or within five (5) feet of combustible walls, opening or combustible roof eaves.

e. Unused or Discarded Items. Discarded, unused and junk appliances, furniture, mattresses and other items shall be removed from the property.

f. Storage of Items. Large amounts of combustible items and materials shall not be stored in attics or basements. Storage shall be maintained two (2) feet or

more below ceilings and floor joists. Combustible materials and items shall not be stored within one (1) foot of any fuel burning appliances. Storage of items shall be orderly and shall not block or obstruct exits. A minimum three (3) foot aisle shall be maintained to all exits, furnaces, water heaters, water meters, gas meters or other building service equipment.

g. Fuel Storage. LP tanks, gasoline containers and fueled equipment, including but not limited to motorcycles, mopeds, lawn-care equipment and portable cooking equipment, shall not be stored or repaired in an apartment building or dwelling unit.

h. Barbecues and Open Flames. In any structure containing two (2) or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, on any roof, or on any ground floor patio within fifteen (15) feet of any structure. No person shall store or use any fuel, barbecue, torch, or similar heating or lighting chemicals or device in such locations.

#### 1107.23 SUBD. 22. EXTERIOR BUILDING REQUIREMENTS.

a. General. Any building or portion thereof that is determined to be an unsafe building in accordance with this Section, or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this Subsection to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard buildings.

1. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to public health, safety or welfare.

b. Sanitation. All exterior property and premises shall be maintained and clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

c. Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

d. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

e. Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to

human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

f. Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

g. Motor Vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major assembly, disrepair, or in the process of being stripped or dismantled.

h. Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the building owner to restore said surface to an approved state of maintenance and repair.

i. Faulty Weather Protection. Buildings or portions thereof shall be considered substandard when they have faulty weather protection which shall include, but not be limited to, the following:

1. Deteriorated, crumbling or loose plaster.
2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.
4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.

j. Fire Hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the Chief of the Fire Department, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered substandard.

k. Faulty Materials of Construction. The use of materials of construction, except those that are specifically allowed or approved by this Section and the Building Code, and that have been adequately maintained in good and safe condition, shall cause a building to be substandard.

#### 1107.23 SUBD. 23. NOTICES AND ORDERS OF THE CODE OFFICIAL.

a. Compliance Order. The Code Official shall prepare a compliance order, listing all violations and the date or dates when such violations shall be corrected. The property owner shall have the responsibility to correct all violations within the time limit set forth by the Code Official. For any questions regarding the compliance of said violations, the property owner may contact the Code Official.

b. Substandard Occupancy. No occupancy shall be permitted for any dwelling or rental unit when, in the opinion of the Code Official, there exists inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment which constitutes a fire hazard or a hazard to public safety or health.

c. Notice to Vacate. The Code Official shall have to authority to issue a NOTICE TO VACATE order on any building that is, in the opinion of the Code Official and as defined in this Section, deemed substandard.

1107.23 SUBD. 24. APPEAL.

a. Appeal. Any person may appeal from any notice and order or any action of the Code Official under this Section by filing an appeal to the City. A written appeal to the City shall be a brief statement in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellant.

1. Time Allotted for Appeal. The appeal shall be filed within fourteen (14) days or within the time of correction as allowed by the Code Official, whichever is shorter, from the date of the service of such order or action of the Code Official.

b. Scheduling and Noticing Appeal for Hearing. The City Council shall establish an Appeals Board. The Appeals Board shall establish policies and procedures as to when and where, and how appeals will be heard. The Appeals Board shall not have the authority to override any provision of this Section.

(Ord 05-05, Section 1107.23, Adopted October 3, 2005).