

**TITLE XV: LAND USAGE**

Chapter

**150.BUILDING CODE; REGULATIONS**

**151.HOUSING CODE REGULATIONS**

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## CHAPTER 150: BUILDING CODE; REGULATIONS

### Section

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### ***BUILDING CODE***

#### **§ 150.01 STATE BUILDING CODE ADOPTED.**

(A) The State Building Code, established pursuant to M.S. §§ 16B.59 through 16B.75, as they may be amended from time to time, including all of the amendments, rules, and regulations established, adopted, and published from time to time by the State Commissioner of Administration, through the Building Codes and Standards Division, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this chapter. The State Building Code, a copy of which is on file in the office of the City Clerk, is incorporated in this chapter as if fully set out herein.

(B) The 2003 optional chapters Minn. Rules Ch. 1306, governing special fire protection systems, and Minn. Rules Ch. 1335, governing floodproofing regulations, are not adopted by reference. (Ord. 2003-H, passed 7-17-2003; Am. Ord. 2005-C, passed 5-5-2005)

**§ 150.02 DEPARTMENT; ADMINISTRATIVE AUTHORITY.**

The Planning and Zoning Commission constitutes the Building Department, the Building Official Department, and the Building Code Department. The City Council shall constitute the Administrative Authority where those terms are used in the State Building Code and the appendices adopted by reference in this subchapter.

(Ord. 2003-H, passed 7-17-2003)

**§ 150.03 ENFORCEMENT.**

The enforcement of the Building Code shall be in accordance with the State Building Code. The Building Code shall be enforced by the state certified Building Official appointed by the city to administer the Building Code.

(Ord. 2003-H, passed 7-17-2003)

**§ 150.04 PERMITS, INSPECTIONS, AND FEES.**

Permits, inspections, and collection of fees are as provided in the State Building Code. Permit fees and plan check fees are determined by the City Council and set out in a resolution adopted by the City Council.

(Ord. 2003-H, passed 7-17-2003)

**§ 150.05 SURCHARGE.**

In addition to the permit fee required by § 150.04 of this code, the applicant must pay a surcharge to be remitted to the State Department of Administration as prescribed by M.S. § 16B.70, as it may be amended from time to time.

(Ord. 2003-H, passed 7-17-2003)

**§ 150.06 PERMIT REQUIRED.**

It is unlawful for a person to perform work subject to the Building Code for which a permit is required without having obtained a permit and paid the fees required. The Building Official must establish a system for the issuance of required permits in accordance with the Building Code and this subchapter.

(Ord. 2003-H, passed 7-17-2003) Penalty, see § 10.99

**§ 150.07 VIOLATIONS.**

It is unlawful for a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause the same to be done contrary to or in violation of any provision of the Building Code embodied in this subchapter. Every day during which a violation of the Building Code is committed, continued, or permitted constitutes a separate offense. Any person, firm, or corporation found guilty of violating any provision of this subchapter shall be deemed guilty of a misdemeanor. (Ord. 2003-H, passed 7-17-2003) Penalty, see § 10.99

*MISCELLANEOUS*

**§ 150.20 HOUSE AND BUILDING NUMBERING.**

(A) *Numbers required.* For the proper identifying of all houses and structures in the city, an official house or building number, which may be obtained by the owner from the City Administration Office, must be placed and maintained at or near the front entrance of the house or structure to be clearly seen and read from the public street. If it is not practical to place the number at or near the building entrance, it may be placed in another suitable location that can be clearly seen from the public street.

(B) *Size of numbers.* The house or building number required by this section consists of a series of figures with a minimum height of 3 inches, the surface of which contrasts with the color of the face of the building or structure on which it is mounted. Penalty, see § 10.99

**§ 150.21 BUILDING PERMIT APPLICATION.**

(A) *Content.* An application for a building permit must be in writing on a form furnished by the city. The application must:

- (1) Identify and describe the work to be covered;
- (2) Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will definitely locate the proposed building or work;
- (3) Show the use or occupancy of all parts of the building;
- (4) Be accompanied by plans and specifications as required in this section;

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(5) State the valuation of the proposed work;

(6) Be signed by the permittee, or the permittee's authorized agent, who may be required to submit evidence to indicate that authority;

(7) Contain a list identifying all subcontractors at the time of applying for the permit or before a subcontractor commences work; and

(8) Provide other information as may be required by the Building Official.

(B) *Plans and specifications.* With each application for a building permit, and when required by the Building Official for enforcement of any provision of this code, 2 sets of plans and specifications must be submitted. The Building Official may require plans and specifications to be prepared and designed by an engineer or architect licensed by the state.

(C) *Information on plans and specifications.* Plans and specifications must be drawn to scale and must clearly indicate the nature and extent of the work proposed and conform to the provisions of this code and all relevant laws, rules, and regulations. Each set of plans must give the house and street address of the work and the name and address of the owner and person who prepared them. Plans must include a plot plan showing the location of the proposed building and of every existing building on the property. Computations, stress diagrams, and other data sufficient to show the correctness of the plans must be submitted when required by the Building Official.

(D) *Planning and Zoning Commission review.* A report of the for building permit applications must be submitted by the City Administrator or designee to the Planning and Zoning Commission on a quarterly basis.

(Am. Ord. 2005-C, passed 5-5-2005) Penalty, see § 10.99

## CHAPTER 151: HOUSING CODE REGULATIONS

Section

### *Housing Code*

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## **HOUSING CODE**

### **§ 151.01 TITLE.**

Title: Housing Code Regulations.  
(Ord. 3-20-2008-3, passed 3-20-2008)

### **§ 151.02 PURPOSE.**

(A) The purpose of these regulations is to protect the public health, safety, and the general welfare as follows:

- (1) Protect the character and stability of residential areas;
- (2) Correct and 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;
- (3) Provide minimum standards for cooking, heating, and sanitary equipment necessary to the health and safety of dwelling occupants;
- (4) Provide minimum standards for light necessary to health and safety;
- (5) Prevent the overcrowding of dwellings by providing minimum space standards per occupant for each dwelling unit;
- (6) Provide minimum standards for the maintenance of existing residential buildings, and to prevent slums and blight; and
- (7) Preserve the value of land and buildings.

(B) With respect to rental disputes, except as otherwise provided, it is not the intent of the Council to intrude upon the fair and accepted contractual relationship between tenant and owner. The Council does not intend to intervene as an advocate for either party, to act as an arbiter, or to be receptive to complaints from tenant or owner which are not specifically and clearly relevant to the provisions of these regulations. In the absence of that relevancy with regard to rental disputes, it is intended that the contracting parties exercise those legal sanctions as are available to them without the city's intervention. By enacting these regulations, the Council does not intend to interfere or permit interference with legal rights to personal privacy.  
(Ord. 3-20-2008-3, passed 3-20-2008)

### **§ 151.03 APPLICABILITY.**

Every building and its premises used or designed for use, in whole or in part, as a residence, or as an accessory structure of them, for a single family or person, and every building used or designed for use, in whole or in part as a residence, of two or more persons or families living in separate units shall conform to the requirements of these regulations, irrespective of when that building may have been constructed, altered, or repaired. These regulations establish minimum standards for erected dwellings, dwelling units, accessory structures, and related premises.  
(Ord. 3-20-2008-3, passed 3-20-2008)

### **§ 151.04 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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dwellings, and which is not used nor authorized to be used for living or sleeping by human occupants.

***BUILDING.*** Any structure having a roof intended for the shelter, housing, or enclosure of any person, animal, goods, or materials of any kind or nature.

***CLANDESTINE LAB SITE.*** Any dwelling, dwelling unit, rooming unit, or accessory structure occupied or affected by conditions typically associated with the manufacturing of methamphetamine.

***COMPLIANCE OFFICIAL.*** The city official charged by the City Council with the administration and enforcement of these regulations.

***DWELLING.*** A building or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including single-family dwellings, 2-family dwellings, multiple-family dwellings, and manufactured homes, but not including hotels and motels.

***DWELLING UNIT.*** A single unit providing complete, independent living facilities for 1 or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

***EFFICIENCY LIVING UNIT.*** A room having cooking facilities and used for combined living, dining, and sleeping purposes that meets the requirements of § 151.06 of this code.

***GARBAGE.*** The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

***HABITABLE SPACE.*** Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, furnace rooms, unfinished basements (i.e., those without required ventilation, electric outlets, and exit facilities), pantries, closets, utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways, storage spaces, workshops, hobby and recreation areas in parts of the structure below ground level or in attics, and any similar areas are not considered ***HABITABLE SPACES.***

***HEATED WATER.*** Water heated to a temperature of not less than 120°F, or such lesser temperature required by the Building Code, measured at faucet outlet.

***KITCHEN.*** A space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment, and adequate space for the storage of cooking utensils.

***MANUFACTURED HOME.*** A structure, transportable in 1 or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation.

***MULTIPLE-FAMILY DWELLING.*** A dwelling, or portion thereof, containing 3 or more dwelling units.

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***OCCUPANT.*** Any person living or sleeping in a building or having possession of a space within a building.

**OPERATOR.** Any person who has charge, care, or control of a structure or premises, including the owner of a manufactured home park.

**OWNER.** Any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of that person if ordered to take possession of real property by a court. Any person representing the actual owner shall be bound to comply with the provisions of these regulations to the same extent as the owner.

**PERMISSIBLE OCCUPANCY.** The maximum number of persons permitted to reside in a dwelling unit or rooming unit.

**PERSON.** An individual, firm, partnership, association, or corporation; the term may extend and be applied to bodies corporate and politic, and to partnerships and other unincorporated associations.

**PREMISES.** A lot or parcel of land including any structures thereon.

**PUBLIC HALL.** A hall, corridor, or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of 1 family.

**RENTAL DWELLING or DWELLING UNIT.** A dwelling or dwelling unit let for rent or lease.

**RODENT HARBORAGE.** Any place where rodents can live, nest, or seek shelter.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and other similar materials.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**SUBSTANDARD DWELLING.** Any dwelling that does not conform to the minimum standards established by this code.

**TENANT.** A person, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

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**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.  
(Ord. 3-20-2008-3, passed 3-20-2008)

## § 151.05 OWNER AND OCCUPANT RESPONSIBILITIES.

(A) No owner or other person shall occupy or rent to another person any dwelling, dwelling unit, or rooming unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the state and the city.

(B) Every owner, operator, and occupant of a dwelling, dwelling unit, or rooming unit shall comply with the following requirements.

(1) *Shared or public areas.* Every owner and every operator of a dwelling containing 2 or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises.

(2) *Occupied areas.* Every occupant of a dwelling, dwelling unit, or rooming unit shall maintain in a clean and sanitary condition that part or those parts of the unit and premises that occupant occupies and controls.

(3) *Garbage and rubbish storage and disposal.* Every occupant of a dwelling, dwelling unit, or rooming unit shall store and dispose of all garbage and rubbish in a clean, sanitary, and safe manner as provided by law. Every owner and every operator of a rental dwelling, dwelling unit, or rooming unit shall supply facilities for the sanitary and safe storage and/or disposal of garbage and rubbish.

(4) *Storm and screen doors and windows.* The owner of a rental dwelling or dwelling unit shall be responsible for providing and hanging all screens, storm doors, and storm windows when required under the provisions of these regulations, except where there is written agreement otherwise between the owner and occupant.

(5) *Pest extermination.* Every occupant of a dwelling or dwelling unit shall be responsible for the extermination of vermin infestations and/or rodents on the premises. Every occupant of a dwelling unit in a dwelling containing more than 1 dwelling unit shall be responsible for the extermination whenever the occupant's dwelling unit is the only one infested. Whenever infestation is caused by the failure of the owner or the operator to maintain a dwelling in a reasonable rodent-proof or reasonable vermin-proof condition, extermination shall be the responsibility of the owner and the operator. Whenever infestation exists in 2 or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing 2 or more dwelling units, extermination shall be the responsibility of the owner and the operator.

(6) *Rodent harborages and food.* No owner, operator, or occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate boxes, lumber, wood, scrap metal, or any other similar materials in such a manner that may provide a rodent harborage in or about any dwelling or dwelling unit. Stored materials shall be stacked neatly in piles. No owner, operator, or occupant of a dwelling or

dwelling unit shall store, place, or allow to accumulate any materials that may serve as food for rodents in a site accessible to rodents.

(7) *Fixtures and facilities.* Every occupant of a dwelling unit shall keep all supplied fixtures and facilities in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(8) *Minimum heating capability and maintenance.* In every dwelling unit or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 68° F, or a temperature required by law, shall be maintained at a distance of 3 feet above the floor and 3 feet from exterior walls in all habitable spaces, bathrooms, and toilet rooms from September through May.

(9) *Snow and ice removal.* The owner and the operator of a multiple-family dwelling or of a manufactured home park shall be responsible for the removal of snow and ice from streets, parking lots, driveways, steps, and walkways on the premises. Individual snowfalls of 3 inches or more, or successive snowfalls accumulating to a depth of 3 inches, shall be removed from streets, parking lots, and driveways within 24 hours after cessation of the snowfall. Individual snowfalls of 1 inch or more, or successive snowfalls accumulating to a depth of 1 inch, shall be removed from steps and walkways within 8 hours after cessation of the snowfall.

(10) *Minimum exterior lighting.* The owner and the operator of a multiple-family dwelling or of a manufactured home park shall be responsible for providing and maintaining effective illumination in all streets, exterior parking lots, and walkways.

(11) *Driving and parking areas.* The owner and the operator of a multiple-family dwelling or of a manufactured home park shall be responsible for providing and maintaining in good condition streets, parking areas, and driveways for tenants consistent with this code.

(12) *Yards.* The owner and the operator of a multiple-family dwelling or of a manufactured home park shall be responsible for providing and maintaining premises' yards consistent with this code.

(Ord. 3-20-2008-3, passed 3-20-2008) Penalty, see § 151.99

## **§ 151.06 MINIMUM STANDARDS.**

(A) *Basic equipment and facilities.* No person shall occupy as owner, occupant, or rent to another for occupancy any dwelling unit, for the purposes of living, sleeping, cooking, or eating which does not comply with the following requirements.

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(1) *Kitchen facilities.* 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, and which shall be equipped with the following:

(a) Kitchen sink in working condition and properly connected to an approved water

supply system and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sanitary sewer system;

(b) 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. Cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food; and

(c) Stove or similar device for cooking food, and a refrigerator or similar device for the safe storage of food, which are properly installed with all necessary connections for safe, sanitary, and efficient operation. Provided that the stove, refrigerator, 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, in which case sufficient space and adequate connections for the installation and operation of the stove, refrigerator, or similar device must be provided.

(2) *Toilet facilities.* Within every dwelling unit there shall be a non-habitable room that is equipped with a flush water closet in working condition. In a rental dwelling unit, this room shall have an entrance door that affords privacy. A flush water closet 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 water closet to be operated properly, and shall be connected to an approved sanitary sewer system.

(3) *Lavatory sink.* Within every dwelling unit there shall be a lavatory sink. The lavatory sink may be in the same room as the flush water closet. If located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which the water closet is located. The lavatory sink shall be in working condition and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated running water under pressure, and shall be connected to an approved sanitary sewer system.

(4) *Bathtub or shower.* Within every dwelling unit there shall be a non-habitable room that is equipped with a bathtub or shower in working condition. In a rental dwelling unit, this room shall have an entrance door that affords privacy. The bathtub or shower may be in the same room as the flush water closet, or in another room and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sanitary sewer system.

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(5) *Stairways, porches, and balconies.* Every stairway, porch, or balcony shall be kept in safe condition and sound repair free of deterioration. Every stairwell and every flight of stairs that is more than 4 risers shall have handrails along each side, approximately 30 inches high. Every porch that is more than 4 risers high and every balcony shall have handrails approximately 30 inches above the floor of the porch or balcony. Every handrail and balustrade shall be firmly fastened and maintained in good condition. No flight of stairs shall have settled out of its intended position or have pulled away from the supporting or adjacent structures enough to cause a hazard. No flight of stairs shall have

rotting, loose, or deteriorating supports. Excepting spiral and winding stairways, the treads and risers of every flight of stairs shall be uniform in width and height. Stairways shall be capable of supporting a live load of 100 pounds per square foot of horizontal projection.

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

(7) *Door locks.* All exterior doors of the dwelling unit shall be equipped with safe, functioning locking devices. Multiple-family dwellings shall also be furnished with door locks as follows: every door that is designed to provide 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 the door shall be openable from the inside without the use of a key or any special knowledge or effort.

(B) *Light.* No person shall occupy as owner, occupant, or rent to another for occupancy any dwelling unit, for the purposes of living therein, which does not comply with the following requirements.

(1) *Electrical equipment.* All electrical equipment, wiring, and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type. Where there is electrical power available within 300 feet of the premises of any building, that building shall be connected to the electrical power. Every habitable room shall contain at least 2 supplied electric convenience outlets or 1 convenience outlet and 1 supplied electric fixture. Every toilet room, bathroom, furnace room, laundry room, and public hallway shall contain at least 1 supplied electric light fixture.

(2) *Windows.* Every habitable space shall have at least 1 window facing directly outdoors that can be opened easily.

(C) *Thermal.* No person shall occupy as owner, occupant, or rent to another for occupancy any dwelling or dwelling unit, for the purposes of living therein, which does not have heating facilities which are properly installed, and which are maintained in safe working condition, and which are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms in every dwelling unit located therein to a temperature of at least 68° F at a distance of 3 feet above floor level and 3 feet from exterior walls at an outside temperature of -25° F. Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this division. Portable heating equipment employing flame and the use of liquid fuel do not meet the requirements of this division and are prohibited. No owner, operator, or occupant shall install, operate, or use a space heater employing a flame that is not vented outside the structure in an approved manner.

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(D) *Facilities to function.* No person shall occupy as owner, occupant, or rent to another for occupancy any dwelling or dwelling unit, for the purposes of living therein, unless every supplied facility, piece of equipment or utility, which is required under these regulations, shall be installed and maintained and shall function effectively in a safe, sound, and working condition.

(E) *Discontinuance of service of facilities.* No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under these regulations to be removed from, or

shut off from, or discontinued for, any occupied dwelling or dwelling unit rented or occupied, except for temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

(Ord. 3-20-2008-3, passed 3-20-2008) Penalty, see § 151.99

## § 151.07 REQUIREMENTS.

(A) *General.* Every dwelling, accessory structure, and the premises upon which they are located shall comply with the following requirements.

(1) *Foundations, exterior walls, and roofs.* The foundation, exterior walls, and exterior roof shall be substantially water tight, protected against vermin and rodents, and shall be kept in sound condition and repair. The foundation element shall adequately support the building at all points. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portion of the walls or to the interior spaces of the dwelling. The roof shall be tight and have no defects that admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment. If 25% or more of the exterior surface of the wood surface is unpainted or determined by the Compliance Official to be paint blistered, the surface shall be painted. If 25% or more of the exterior of the painting of any brick, block, or stone wall is loose or has fallen out, the surface shall be repaired.

(2) *Windows, doors, and screens.* Every window, exterior door, and hatchway shall be substantially tight and shall be kept in sound condition and 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 a relation to the adjacent wall construction as to completely exclude rain, wind, vermin, and rodents from entering the building. Every openable window or other device required by these regulations shall be supplied with 16 mesh screens during the insect season.

(3) *Floors, interior walls, and ceilings.* Every floor, interior wall, and ceiling shall be adequately protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding, or rotted flooring materials. Every interior wall and ceiling shall be free of holes, large cracks, and loose plaster and shall be maintained in a tight weatherproof condition. Toxic paint and materials with a lasting toxic effect shall not be used. Every toilet room and bathroom floor surface shall be capable of being easily maintained in a clean and sanitary condition.

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(4) *Rodent proof.* Every dwelling and accessory structure and the premises upon which they are located shall be maintained in a rodent-free and rodent-proof condition. All openings in exterior walls, foundations, basements, ground or first floors, and roofs that have a ½ inch diameter or larger opening shall be rodent-proofed in an approved manner. Interior floors, basements, cellars, and other areas in contact with the soil shall be paved with concrete or other rodent impervious material.

(5) *Fence maintenance.* All fences shall consist of metal, wood, masonry, or other decay-resistant material. Fences shall be maintained in good condition both in appearance and in structure. Wood material, other than decay-resistant varieties, shall be protected against decay by use of paint or

other preservatives.

(6) *Accessory structure maintenance.* Accessory structures on the premises of a dwelling shall be structurally sound and be maintained in good repair and appearance. The exterior of the structures shall be made weather resistant through the use of decay-resistant materials or protected against decay by use of paint or other preservatives.

(7) *Safe building elements.* Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch and balcony, and every appurtenance, shall be safe to use and capable of supporting normal loads.

(8) *Facilities to function.* Every chimney and flue shall be installed and maintained and shall function effectively in a safe, sound, and working condition.

(9) *Yard cover.* Every yard of a premises on which a dwelling stands shall be provided with lawn or combined ground cover or vegetation, garden, hedges, shrubbery, and related decorative materials and the yard shall be maintained consistent with prevailing community standards.

(B) *Maximum density, minimum space, use, and location.* No person shall occupy, rent, or permit to be occupied any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements.

(1) *Permissible occupancy of dwelling unit.* Every dwelling unit shall have at least 1 room that shall have not less than 150 square feet of floor area. Other habitable rooms, except kitchen, shall have an area of not less than 70 square feet. Where more than 2 persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 80 square feet for each occupant in excess of 2. Nothing in this division shall prohibit the use of an efficiency living unit within a multiple-family dwelling meeting the following requirements:

(a) Unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of the unit in excess of 2;

(b) Unit shall be provided with a separate closet;

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(c) Unit shall be provided with a kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light conforming to these regulations shall be provided; and

(d) Unit shall be provided with a separate bathroom containing a water closet, a lavatory sink, and either a bathtub or shower.

(2) *Minimum ceiling height.* In order to qualify as habitable, rooms shall have a clear ceiling height of not less than 6 feet 6 inches, except that in attics or top-half stories used for sleeping, study, or similar activities, the ceiling height shall be not less than 6 feet 6 inches over at least ½ of the floor area. In calculating the floor area of the rooms in attics or top-half stories, only those portions of the

floor area of the room having a clear ceiling height of 5 feet or more may be included.

(3) *Access through sleeping rooms and bathrooms.* No dwelling unit built after 1940 and containing 2 or more sleeping rooms shall have a room arrangement so that access to a bathroom or toilet room intended for use by occupants of more than 1 sleeping room can be gained only by going through another sleeping room. A bathroom or toilet room shall not be used as the only passageways to any habitable rooms, hall, basement, or cellar or the exterior of any dwelling unit.

(C) *Fire protection.* All buildings shall be subject to the Uniform Fire Code. (Ord. 3-20-2008-3, passed 3-20-2008) Penalty, see § 151.99

## **§ 151.08 FEE SCHEDULE.**

The following fee schedule is adopted.

(A) Registration license fee for rental property shall be as established from time to time by the City Council. Registration fees shall be due upon registration or upon renewal on the first day of January in the year in which the registration is due. A delinquency penalty of 5% of the license fee for each day of operation without a valid license shall be charged to owners or rental dwellings.

(B) Registration license fee for rental property certified through the Crime-Free Multi-Housing Program shall be as established from time to time by the City Council. Registration fees shall be due upon registration or upon renewal on the first day of January in the year in which the registration is due. A delinquency penalty of 5% of the license fee for each day of operation without a valid license shall be charged to owners or rental dwellings.

(C) Filing fee for appealing to the Planning and Zoning Commission, acting as the Board of Appeals, on a compliance order shall be as established from time to time by the City Council. The Board of Appeals may reverse, modify, or affirm, in whole or in part, the compliance order and may order return of all or part of the filing fee if the appeal is upheld.

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(D) Reinspection fee shall be as established from time to time by the City Council. The Compliance Official shall reinspect the property to determine if the owner has complied with the compliance order. If compliance has not been completed upon reinspection, the owner shall be assessed a reinspection fee. The reinspection fee shall be charged for each subsequent reinspection for compliance.

(Ord. 3-20-2008-3, passed 3-20-2008)

## ***HOUSING CODE; ADMINISTRATION AND ENFORCEMENT***

### **§ 151.20 LICENSING OF RENTAL UNITS.**

(A) *Registration.* No person shall operate rental property in the city without first filing a registration statement with the City Administrator and securing a valid rental license from the city. Any person filing a registration statement consents to be bound by all of the provisions of this chapter and this code, as they may relate to rental property. A registration statement shall be filed and a rental license secured prior to the occupancy of the dwelling. The registration statement shall be made and filed on forms furnished by the city for the purpose and shall set forth the following information:

(1) Owner's name and residence and, if a corporation, the name of officers and registered office. All owners must be listed;

(2) Rental property's name and address and the number of units to which the registration applies;

(3) Name and address of the operator, caretaker, or manager responsible for the maintenance and care of the rental units;

(4) Name and address of the owner's agent for the receipt of notices of violations of the provisions of these regulations and this code; and

(5) Any other information the city may require.

(B) *Registration statement execution.* The registration shall be made by the owner if the owner is a natural person; if the owner is a corporation, by an officer; if the owner is a partnership, by one of the partners; and if the owner is an unincorporated association, by the manager or managing officer. Renewal of registrations as required by these regulations may be made by filling out the required renewal form provided by the city to the owner of rental property and mailing the form together with the required registration fee to the City Clerk.

(C) *Registrations.* Registration of all rental dwellings shall be made or renewed every 3 years pursuant to a schedule adopted by the City Council.

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(D) *Transfers.* Every new owner of a rental property, whether as fee owner, contract purchaser, lessee of the entire dwelling, or otherwise, shall register before taking possession.

(E) *Registration license fee.* The City Council shall adopt a schedule of registration fees. Registration fees shall be due upon registration or upon renewal on the first day of January in the year in which registration is due. A delinquency penalty of 5% of the license fee for each day of operation without a valid license shall be charged to owners of rental dwellings. Once issued, a license is nontransferable and the licensee shall not be entitled to a refund on any license fee upon revocation or suspension. However, the licensee shall be entitled to a license fee refund, pro-rated monthly, upon proof of transfer of ownership. In the case of new unlicensed dwellings, license fees shall be due upon the issuance of the certificate of occupancy; in the cases of licensing periods of less than 3 years, license fees shall be pro-rated by month.

(F) *Inspection condition.* No operating license shall be issued or renewed unless the owner of

rental units agrees in the registration statement to permit inspections pursuant to these regulations.

(G) *Posting of license.* Every license of a multiple-family dwelling shall cause to be conspicuously posted in the main entryway or other conspicuous location therein the current license for the respective multiple-family dwelling.

(H) *License not transferable.* No operating license shall be transferable to another person or to another rental dwelling. Every person holding an operating license shall give notice in writing to the city within 72 hours after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. The notice shall include the name and address of the person succeeding to the ownership or control of the rental dwelling.

(I) *Occupancy register required.*

(1) Every owner of a licensed rental dwelling shall keep, or cause to be kept, a current register of occupancy for each dwelling which provides the following information:

(a) Dwelling unit address;

(b) Number of bedrooms in dwelling unit;

(c) Names of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units;

(d) Dates renters occupied and vacated dwelling units;

(e) Chronological list of complaints and requests for repair by occupants, which complaints and requests are related to the provisions of these regulations; and

(f) Similar chronological list of all corrections made in response to those requests and complaints.

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(2) The owner shall make the register available for viewing or copying by the city at all reasonable times.

(J) *Suspension or revocation.* Every rental license is subject to suspension or revocation by the City Council. Failure to operate or maintain the licensed rental dwelling in compliance with the provisions of these regulations, this code, and the laws of the state, shall be grounds for suspension or revocation. In the event that a rental license is suspended or revoked by the City Council, it shall be unlawful for the owner to permit any new occupancies of vacant or thereafter vacated rental units until a rental license is restored.

(1) When a rental license is revoked or suspended, the property shall be vacated as of the effective date of the revocation or suspension and remain vacated until restoration of the license. In the case of a suspension, restoration shall occur automatically at the end of the suspension period. In the case of revocation, restoration of the license shall occur only after the owner of the premises has made application for a new license, and paid a new license fee. The new license may then be issued upon completion of the revocation period.

(2) No suspension or revocation of a rental license shall occur until the licensed owner has been afforded an opportunity for a hearing to be conducted pursuant to M.S. §§ 14.57 to 14.70, as they may be amended from time to time. This hearing shall be evidentiary in nature and conducted before the City Council, which shall determine whether this code or statutory violation did occur warranting revocation or suspension of the rental license. The determination of the City Council shall be final and subject only to any rights of review or appeal to the state courts as provided by state statutes. The licensed owner must affirmatively request an evidentiary hearing in writing to be received by the City Clerk no later than 7 days prior to the date on which the City Council is to consider the matter. If request is not made, the right to an evidentiary hearing is deemed waived, the City Council may presume the truth, and accuracy of the matter alleged and proceed to disposition at the time of the hearing.

(3) Where the City Council determines that a code or statutory violation has occurred warranting suspension or revocation, the rental license shall be suspended or revoked for a period of not less than 2 months nor more than 12 months. Execution of the suspension or revocation may be stayed by the City Council on conditions as established by the City Council including, but not limited to, the payment of a civil penalty not to exceed \$1,000. Upon the completion of ½ of the period of revocation or suspension imposed by the City Council, the licensed owner may petition the City Council for early restoration of the rental license. Upon receipt of the petition, the licensed owner's request shall be heard by the City Council at the next regular scheduled meeting, but at least 7 days from receipt of the request. At that time, the City Council may order a restoration of the rental license if the licensed owner establishes by clear and convincing evidence that 1 of the following 2 circumstances then exist:

(a) Property has been sold since the occurrence of the original violation to a party unrelated to the original owner. The sale must be for a fair consideration, negotiated at arm's length, and by deed duly filed for record with the County Recorder. A sham or "paper" transfer of title to the property to a related party or another party acting in cooperation with the owner for the purpose of circumventing the license revocation shall not constitute a transfer for purposes of these regulations; or

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(b) Licensed owner demonstrates to the City Council that proper response to the revocation or suspension has been made, that measures have been taken to successfully correct the violation which originally resulted in suspension or revocation, and that additional steps have been taken to assure that similar violations not occur in the future. Factors to be considered by the City Council may include: improvements and repairs to the premises; modification of the relevant lease provisions; selection of future tenants; response to citizen's complaints; provision for future supervision of the premises by the licensed owner; the licensed owner's compliance with the revocation/suspension; and other criteria as the City Council considers relevant to each individual case.

(4) Where the licensed owner is able to establish by clear and convincing evidence grounds for restoration, the City Council may stay the execution of the remainder of the suspension or revocation period for a period of up to 1 year and place terms and conditions upon the licensed owner as may be relevant to further ensure compliance with these regulations, this code, and state laws. (Ord. 3-20-2008-3, passed 3-20-2008) Penalty, see § 151.99

**§ 151.21 BACKGROUND CHECKS.**

(A) *Purpose.* The City Council has determined that the preservation of neighborhoods is essential to the public health, safety, and welfare of citizens. Rental housing is the most densely populated of the city’s neighborhoods. Consequently, persons residing in rental properties and engaging in criminal activity and disorderly conduct create a hostile environment for law-abiding residents of rental properties and adjacent neighborhoods. Therefore, it is the declared purpose and intent to protect the health and safety of citizens by providing a system at the local level for criminal history and background checks of prospective residents of rental property.

(B) *Prospective residents.* The city’s Police Department may conduct local, state, and out of state criminal history and background checks on prospective residents of rental property in the city upon request by the owner, operator, or property manager of the rental property. This request shall be on a form approved and provided by the city. The applicant shall pay a fee established by resolution of the City Council. No background check using the State Criminal Justice Information Systems Network (CJIS) and no information obtained from CJIS shall be disseminated unless the landlord presents an informed consent/waiver form signed by the prospective residents. The informed consent/waiver form must meet the requirements of M.S. § 13.05, subd. 4(d), as it may be amended from time to time. (Ord. 3-20-2008-3, passed 3-20-2008)

**§ 151.22 INSPECTION AUTHORITY.**

The Compliance Official shall administer and enforce the provisions of these regulations. The Compliance Official is authorized to cause inspections on a scheduled basis for rental units, or otherwise when reason exists to believe that a violation of these regulations has been or is being committed.

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Inspections shall be conducted during daylight hours and the Compliance Official shall present evidence of official capacity to the owner, operator, occupant, or other person in charge of a respective dwelling unit. (Ord. 3-20-2008-3, passed 3-20-2008)

**§ 151.23 INSPECTION ACCESS.**

When an owner, operator, occupant, or other person in charge of a dwelling or dwelling unit refuses to permit free access and entry to the structure or premises under his or her control for inspection pursuant to these regulations, the Compliance Official may seek a court order authorizing inspection. (Ord. 3-20-2008-3, passed 3-20-2008)

**§ 151.24 UNFIT FOR HUMAN HABITATION.**

(A) *Vacation of building.* Any dwelling, dwelling unit, rooming unit, or accessory structure which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin, or rodent-infested, or which lacks provision for basic illumination, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or the public, or which has been found to be a clandestine lab site, may be declared unfit for human habitation by the Compliance Official; who shall then order the same vacated within a reasonable time and shall post a placard on the building indicating that it is unfit for human habitation. Any rental license previously issued for the dwelling shall be revoked.

(B) *Reoccupation.* It shall be unlawful for the dwelling, dwelling unit, rooming unit, or accessory structure to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Compliance Official. It shall be unlawful for any person to deface or remove the declaration placard from any dwelling, dwelling unit, rooming unit, or accessory structure.

(C) *Secure units and vacated dwellings.* The owner or operator of any dwelling, dwelling unit, rooming unit, or accessory structure which has been declared unfit for human habitation, or which is otherwise vacant for a period of 60 days or more, shall make the premises safe and secure so that it is not hazardous to the health, safety, and welfare of the public and a public nuisance within the meaning of these regulations.

(D) *Hazardous building declaration.* In the event that a dwelling or accessory structure has been declared unfit for human habitation and the owner or operator has not remedied the defects within the prescribed time, the dwelling or accessory structure may be declared a hazardous building and treated consistent with the provisions of state statutes.

(Ord. 3-20-2008-3, passed 3-20-2008) Penalty, see § 151.99

### **§ 151.25 COMPLIANCE ORDER.**

(A) *Issuance.* Whenever the Compliance Official determines that any dwelling, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the provisions of these regulations, a compliance order may be issued setting forth the violations and ordering the owner, occupant, operator, or agent to correct the violation. This compliance order shall:

- (1) Be in writing;
- (2) Describe the location and nature of the violations of these regulations;
- (3) Establish a reasonable time for the correction of the violation and notify of appeal recourse; and
- (4) Be served upon the owner, operator, or occupant, as the case may require. The notice shall be deemed to be properly served upon the owner, operator, or occupant, if a copy of the order is:
  - (a) Served personally;

(b) Sent by registered mail to last known address; or

(c) Upon failure to effect notice through divisions (A)(4)(a) and (A)(4)(b) above, posted at a conspicuous place in or about the dwelling that is affected by the notice.

(B) *Right of appeal.* When it is alleged by any person to whom a compliance order is directed, that the compliance order is based upon an erroneous interpretation of these regulations, the person may appeal the compliance order to the Planning and Zoning Commission acting as the Board of Appeals. The appeal must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee, paid in cash or cashier's check, in an amount determined by the City Council, and must be filed with the City Clerk within 5 business days after service of the compliance order. The filing of an appeal shall stay all proceedings in furtherance of the action, unless such a stay would cause imminent peril to life, health, or property.

(C) *Board of Appeals decision.* Upon at least 5 business days notice to the appellant of the time and place for hearing the appeal, and within 45 days after the appeal is filed, the Board of Appeals shall hold a hearing, taking into consideration any advice and recommendation from the Compliance Official. The Board of Appeals may reverse, modify, or affirm, in whole or in part, the compliance order and may order return of all or part of the filing fee if the appeal is upheld.

(D) *Restrictions on transfer of ownership.* It shall be unlawful for the owner of any dwelling, dwelling unit, or rooming unit upon whom a pending compliance order has been served to sell, transfer, mortgage, lease, or otherwise dispose of the premises to another person until the provisions of the compliance order have been complied with, unless the owner shall furnish to the grantee, lessee, or mortgagee a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledgment. Anyone securing an interest in the dwelling, dwelling unit, or rooming unit

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who has received notice of the existence of a violation or compliance order shall be bound by it without further service of notice upon him or her and shall be liable to all penalties and procedures provided by these regulations.

(E) *Penalties.* Any person who fails to comply with a compliance order after right of appeal has expired, and any person who fails to comply with a modified compliance order within the time set, shall be guilty of a misdemeanor. Each day of this failure to comply shall constitute a separate punishable offense.

(F) *Reinspection.* The Compliance Official shall reinspect the property to determine if the owner or operator has complied with the compliance order. If compliance has not been completed upon re-inspection, the owner or operator shall be assessed a re-inspection fee, in an amount determined by the City Council, for that re-inspection and each subsequent re-inspection for compliance. Failure to pay the re-inspection fee shall constitute a failure to comply with the compliance order.

(G) *Execution of compliance orders by public authority.* Upon failure to comply with a compliance order within the time set and no appeal having been taken, or upon failure to comply with a modified compliance order within the time set, any criminal penalty notwithstanding, the City Council may cause the cited deficiency to be remedied as set forth in the compliance order. The cost of the remedy shall be a lien against the subject real estate as provided by M.S. Ch. 429, as it may be

amended from time to time, but the assessment shall be payable in a single installment.  
(Ord. 3-20-2008-3, passed 3-20-2008) Penalty, see § 151.99

**§ 151.26 ALTERNATIVE SANCTIONS.**

Notwithstanding the availability of the foregoing compliance procedures and penalties, whenever the Compliance Official determines that any dwelling, dwelling unit, or rooming unit or the premises surrounding any of these fails to meet the requirements set forth in these regulations, the Compliance Official may issue a violation summoning the owner, operator, occupant, or other responsible person into court or request the issuance of a criminal complaint and arrest warrant.  
(Ord. 3-20-2008-3, passed 3-20-2008)

**§ 151.99 PENALTY.**

Any person violating any of the provisions of this chapter by doing any act, or omitting to do any act, which constitutes a breach of any section of these regulations shall be guilty of a misdemeanor. Each day that a violation continues shall be deemed a separate punishable offense. No provision of these regulations designating the duties of any official or employee of the city shall be so construed as to make that official or employee liable for the penalty provided in this section because of the failure to perform that duty, unless the intention of the City Council to impose the penalty on that official or employee is specifically and clearly expressed creating the duty.  
(Ord. 3-20-2008-3, passed 3-20-2008)

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**CHAPTER 152: LAND SUBDIVISION REGULATIONS**

Section

152.01 Adopted by reference

**§ 152.01 ADOPTED BY REFERENCE.**

The city's Land Subdivision Ordinance and its amendments are adopted by reference herein as if appearing in total.  
(Am. Ord. 6-5-2008-3, passed 6-5-2008)

***Editor's note:***

*A copy of the city's Land Subdivision Ordinance is on file at the City Administration office.*





Section

153.01 Adopted by reference

**§ 153.01 ADOPTED BY REFERENCE.**

The city's Zoning Ordinance and its amendments are adopted by reference herein as if appearing in total.

(Am. Ord. 5-04-2006-1, passed 5-4-2006; Am. Ord. 5-04-2006-2, passed 5-4-2006; Am. Ord. 10-19-2006-2, passed 10-19-2006; Am. Ord. 3-20-2008-1, passed 3-20-2008; Am. Ord. 5-15-08, passed 5-15-2008; Am. Ord. 6-5-2008-1, passed 6-5-2008; Am. Ord. 6-5-2008-2, passed 6-5-2008; Am. Ord. 10-16-2008, passed 10-16-2008; Am. Ord. 7-23-2009-2, passed 7-23-2009; Am. Ord. 1-21-2010, passed 1-21-2010; Am. Ord. 12-15-2011-1, passed 12-15-2011; Am. Ord. 3-15-2012-1, passed 3-15-2012)

***Editor's note:***

*A copy of the city's Zoning Ordinance is on file at the City Administration office.*

