

## 612 Housing Code

(Section 612 Added Ordinance 05-06 approved May 24, 2005)

PURPOSE. There exist in the City of Rockford structures that are now or that may in the future become substandard. Such conditions, together with inadequate provision for light and air, insufficient protection against fire hazards, lack of proper heating, and unsanitary conditions, constitute a menace to public health, safety and welfare of its citizens. It is further found and declared that the existence of such conditions adversely affects public health and safety and leads to continuation, extension and aggravation of urban blight. It is further found that adequate protection of public health, safety and welfare, therefore requires the establishment and enforcement of minimum property standards for the exterior of owner and Non-owner occupied residential dwellings and interior standards for Non-owner occupied residential dwellings.

Subd. 1. Exterior Property Standards for Owner Occupied and Non-owner occupied residential Dwellings. The owner of any owner and Non-owner occupied residential dwelling shall comply with the following requirements:

- (1) Ground Cover. Every residential premise shall be maintained in a condition to control erosion, dust and mud by suitable landscaping with grass, trees, shrubs, or other planted ground cover or by paving with asphalt, concrete or by such other suitable means as shall be approved by the enforcement officer.
- (2) Insect and Rodent Infestations. It shall be the responsibility of the owner to control and/or eliminate any infestation of insects, rodents or other pests in all exterior areas, and accessory structures on the premises.
- (3) Accessory Structures. All accessory structures including, but not limited to, detached garages, sheds and fences, shall be maintained structurally sound and in good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by or by other protective covering or treatment. Any new paint applied shall not be lead base. Service doors to residential garages shall be provided with securing locks.
- (4) Exterior Sidewalks, Walkways and Stairs. All sidewalks, walkways and exterior stairs shall be maintained in safe sound conditions free of defects and hazards.

Subd. 2. Exterior Structure for Owner Occupied and Non-owner occupied residential Dwellings. The owner of any owner occupied and non-owner occupied residential dwelling shall comply with the following requirements:

- (1) Foundations, walls, roof and other exterior surfaces. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a professional state of maintenance and repair.
  - A. The foundation elements shall adequately support the building at all points.

- B. All exterior wood, vinyl and metal surfaces shall be protected from the elements and decay by maintained paint, stain or other protective covering or treatment. Joints in siding materials and between siding and other feature shall be maintained weather-resistant. Metal surfaces subject to rust or corrosion shall be stabilized and treated to inhibit future rust or corrosion. For purposes of this Section, if forty percent (40%) or more of a wall or other surface area, such as: fascia, soffits, rake, has the protective coating deteriorated, then the wall or surface shall be restored to a protected condition.
  - C. The roof shall be impervious to water and have no defects that admit water or dampness to the interior of the building. No building roof shall be used for storage of any materials or objects unless approved by the enforcement officer.
- (2) Stairs, Porches, Decks and Railing.
- A. Every outside stair, every porch and deck shall be constructed safely and capable of support a load as determined by the Building Code and shall be kept in sound conditions and good repair. Every stairway, porch, deck or step that is more than thirty (30) inches above grade shall have guardrails and intermediate rails so that a 4" sphere can not pass through in accordance with the Minnesota State building code or maintained in accordance with the Building code in effect when originally constructed. If repairs include replacing more than fifty (50) percent it must be brought up to current code standards.
  - B. Every flight of stairs that is more than three (3) risers high shall have handrails in accordance with the Building Code or maintained in accordance with the building code under which it was originally constructed.
  - C. Stairs, steps, porches, decks, handrails, balustrades and guardrails deemed hazardous by the enforcement officer shall be corrected so as to be in compliance with the Building Code.
- (3) Windows, doors and hatchways. Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound conditions and repair.
- A. Windows shall be fully supplied with window panes that are without open cracks or holes.
  - B. Every window required for ventilation, or other outside opening used for ventilation purposes, shall be supplied with a screen of not less than sixteen (16) mesh per inch.

Subd. 3. Completion of Exterior for Owner Occupied and Non-owner Occupied Residential Dwellings. The roof and all exterior surfaces of all residential owner occupied and Non-owner occupied residential dwelling units, buildings and accessory structures, shall be completed with exterior finish materials within 12 months after the date of issuance of a building

permit for the new construction alteration, remodeling or relocation of such building or structure. All such exterior surfaces of the structure issued a building permit before the effective date of this ordinance for the new construction; alteration, remodeling or relocation of such structure shall be completed twelve months after the date of issuing of such permit. Term "finish materials" as used in this section shall mean stucco, brick, stone, shingles, or shakes, redwood, cedar, vinyl, steel, fibrous cement and masonite siding materials, and shall include windows and doors.

Subd. 4. Interior Structure for Non-owner occupied residential Rental Residential Dwellings. Non-owner occupied residential dwellings shall comply with at least the following interior standards:

- (1) Walls and ceilings. All interior walls and ceilings must be in good general repair (i.e. No falling or loose plaster, gypsum, or ceiling tiles.
- (2) All bathrooms shall have an operable window or exhaust fan.
- (3) Ground fault protected outlets will be required in bathrooms, outlets within three (3) feet of kitchen sink, and all exterior outlets.
- (4) Rooms must be capable of maintaining sixty-eight (68) degrees temperature three (3) feet from floor level.
- (5) Hot water is required at kitchen sink, bathroom sink and tub/shower.
- (6) Smoke detectors shall be required in all bedrooms and in the immediate vicinity outside of the bedroom.
- (7) Every fixture, facility or piece of equipment requiring sewer connection shall have a functioning connection, free from defects, leaks, or obstructions, and shall possess sufficient capacity to drain all other fixtures, facilities, or pieces of equipment which feed into it. The sewer system must be capable of conveying all sewage into the municipal sanitary sewer system.
- (8) Every fixture, facility, or piece of equipment requiring a water connection shall have a functioning connection, free from defects, leaks, or obstructions. Each water connection shall possess sufficient capacity to adequately supply all fixtures, facilities, or pieces of equipment to which connected with an uncontaminated, controllable flow of water.

Subd. 5. License Requirement for Non-owner occupied residential Dwellings. No person shall operate a Non-owner occupied residential dwelling without first having obtained a license to do so from the City of Rockford as hereinafter provided. Each such operating license shall be issued annually and shall expire on the anniversary date of issuance. License renewals shall be filed at least 30 days prior to license expiration date.

LICENSE FEES. License fees, as set forth by City Council resolution, shall be due 30 days prior to the license application date; in the cases of new, unlicensed dwellings, license fees shall be due upon issuance of the certificate of occupancy.

- (1) A delinquency penalty of 5% of the license fee for each day of operation without a valid license shall be charged operators of rental dwelling after written notification has been given by the city. Once issued a license is nontransferable and the licensee shall not be entitled to a refund of any license fee upon revocation or suspension; however, the licensee shall be entitled to a license fee refund, prorated monthly, upon proof of transfer of legal control or ownership.
- (2) No operating license shall be issued or renewed for a non-owner occupied residential dwelling unit unless such owner designates in writing to the compliance official the name of his resident agent who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the city ordinances, to receive orders and to institute remedial action to effect such orders and to accept all service or process pursuant to law. The compliance official shall be notified in writing of any change of resident agent.
- (3) Every licensee of a multiple dwelling shall cause to be conspicuously posted in the main entryway or other conspicuous location therein the current license for the respective multiple dwelling.
- (4) No operating license shall be transferable to another person or to another Non-owner occupied residential dwelling. Every person holding an operating license shall give notice in writing to the compliance official within five business days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control of such Non-owner occupied residential dwelling or dwellings.

Subd. 6. Enforcement. The provisions of this ordinance shall be construed to be directory only, and shall not be construed to create a duty on the part of the city or its officers or employees to enforce. The city and its officers and employees shall not be liable for any failure to enforce the provisions of this code.

COMPLAINTS. The compliance officer or designee shall enforce the provisions of this chapter when a complaint is filed by one of the following: an occupant of the dwelling, a member of the Rockford Fire Department, a member of the Wright County Sheriff's Department, a visitor or a city staff member. Once a complaint has been filed with the city an inspection of the property shall be scheduled. A fee, as set forth by City Council resolution, shall be charged for all inspections necessary based upon a complaint filed with the city. The inspection fee(s) will be payable to the city within 30 days after the inspection.

COMPLIANCE ORDER. After an inspection of the dwelling triggered by a complaint and the compliance officer determines that any building or portion thereof, or the premises surrounding any of these, fails to meet the provisions of this ordinance, a compliance order setting forth the violations of the ordinance and ordering the owner, occupant, operator, or agent to correct such violations shall be issued. This compliance order shall:

- (1) Be in writing.
- (2) Describe the location and nature of the violations of this ordinance.

- (3) Establish a reasonable time for the correction of such violation and notify of appeal recourse.
- (4) Be served upon the owner or agent or occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:
  - A. Served upon owner, agent or occupant personally; or
  - B. Sent by registered mail to his last known address; or
  - C. Upon failure to effect notice through (a) and (b) as set out in this section, posted at a conspicuous place in or about the building, or portion thereof, which is affected by the notice.

RIGHT OF APPEAL. When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretation of this ordinance, such person may appeal the compliance order to the City Council sitting as a Board of Appeals. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee set forth per council resolution, in cash or cashier's check, and must be filed with the city clerk within five (5) business days after service of the compliance order. The filing of an appeal shall stay all proceedings in the furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property.

BOARD OF APPEALS DECISION. Upon at least five (5) business days notice to the appellant of the time and place for hearing the appeal, and within thirty (30) days after said appeal is filed, the board of appeals shall hold a hearing thereon, taking into consideration any advice and recommendation from the compliance officer. 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.

RESTRICTIONS ON TRANSFER OF OWNERSHIP. It shall be unlawful for the owner of any building, or portion thereof, upon whom a pending compliance order has been served to sell, transfer, mortgage, lease or otherwise dispose thereof to another person until the provisions of the tag or compliance order have been complied with, unless such owner shall furnish to the grantee, lessee, or mortgage a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledging. Anyone securing an interest in the building, or portion thereof, who has received notice of the existence of a violation tag or compliance order shall be bound by same without further service of notice and shall be liable to all penalties and procedures provided by this ordinance.

EXECUTION OF COMPLIANCE ORDERS BY PUBLIC AUTHORITY. Upon failure to comply with a compliance order within the time set therein and no appeal having been taken, or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council may, by resolution, cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429, but the assessment shall be payable in a single installment.

PENALTIES. Any person violating any of the provisions of this ordinance by doing any act or omitting to do any act which constitutes a breach of any section of this ordinance, shall, upon conviction thereof by lawful authority, be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution. Each day that a violation continues shall be deemed a separate punishable offense. No provision of this ordinance designating the duties of any official or employee of the City shall be so construed as to make such official or employee liable for the penalty provided in this section because of failure to perform such duty, unless the intention of the City Council to impose such penalty on such official or employee is specifically and clearly expressed in the section creating the duty.

Every operating license issued under the provisions of this ordinance is subject to suspension or revocation by the City Council should the licensed owner or his duly authorized resident agent fail to operate or maintain licensed rental dwellings and units therein consistent with the provisions of the ordinance of the City of Rockford and the laws of the State of Minnesota. In the event that an operating license is suspended or revoked by the City Council for just cause, it shall be unlawful for the owner or his duly authorized agent to thereafter permit any new occupancy of vacant or thereafter vacated rental units until such time as a valid operating license may be restored by the City Council. Any person violating this provision shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or both, together with the costs of prosecution. Each day of each violation shall constitute a separate punishable offense.

The Zoning Administrator or Building Official or his designated agents shall be the compliance official who shall administer and enforce the provisions of this ordinance and who is hereby authorized to inspect Non-owner occupied residential dwelling units and other buildings when complaints are filed with the city that a violation of this ordinance has been or is being committed. Inspections shall be conducted during reasonable daylight hours, and the compliance official shall present evidence of official capacity to the occupant in charge of a respective dwelling unit.

Any owner, occupant, or other person in charge of a building may refuse to permit free access and entry to the structure or premises under his control for inspection pursuant to this ordinance, whereupon the compliance official may seek a court order authorizing such inspection.

#### UNFIT FOR HUMAN HABITATION.

- (1) Any building or portion thereof, 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 of the public may be declared unfit for human habitation, the compliance official shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation, and any operating license previously issued for such dwelling shall be revoked.
- (2) It shall be unlawful for such building or portion thereof 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 from any such building.

SECURE UNFIT AND VACATED BUILDINGS. The owner of any building or portion thereof, which has been declared unfit for human habitation, or which is otherwise vacant for a period of 60 days or more, shall make same safe and secure so that it is not hazardous to the health, safety and welfare of the public and does not constitute a public nuisance. Any vacant building open at doors or windows, if unguarded, shall be deemed to be a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this ordinance and shall be made safe and secure immediately.

HAZARDOUS BUILDING DECLARATION. In the event that a building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the building may be declared a hazardous building and treated consistent with the provisions of Minnesota Statutes.

Subd. 7. Enforcement and Inspection Authority. The Zoning Administrator shall be the designated agent for administering and enforcing the provisions of this Ordinance and who is hereby authorized to cause inspections for residential dwellings units when reason exists to believe that a violation of this Ordinance has been or is being committed. The Zoning Administrator may delegate to his or her authorized designee authority to take any action authorized under this Ordinance.

Non-Owner Occupied Dwelling is defined as follows: A home that is occupied by a person or persons that do not have title to the property. Non-owner occupied shall not apply to fewer than two units per dwelling.