

CITY OF GAYLORD  
BOARD OF ZONING ADJUSTMENTS

AGENDA

WEDNESDAY, NOVEMBER 9, 2016 AT 5:30 P.M.

CITY HALL

1. Call to Order
2. Consider Agenda
3. Approve Minutes
4. Public Hearing
  - a. Variance Request of Douglas Nesvig – Authorization to Locate an Accessory Building in the Front Yard of Residence Located at 121 Lake Avenue East
5. Consider Approval or Denial of Variance Request Listed as Agenda Item 4.a.
6. Miscellaneous
7. Adjournment

GAYLORD BOARD OF ADJUSTMENTS

APPEAL FOR A VARIANCE TO THE ZONING ORDINANCE

VARIANCE NO. V2016-04

Revised: August 24, 1998

The Applicant Douglas Nesvig (Print Owner's Name) is the owner of property situated at 121 Lake Ave E (Address of Property). A Plot Plan of said property, drawn to scale, is attached hereto, and made a part of this application. The property is legally described as:

R32.0639.000 - Lake ADDN, Lot -002 Block -003, Lot 2 + 5.138 ft. of W 22' of Lot 1.

**REQUEST:** Applicant requests a variance on the above described property from Section ORD #153.064 of the Zoning Ordinance, as amended which requires NO Accessory building shall be allowed within the required front yard

State exactly what is intended to be done on, or with property which does not conform with the Zoning Ordinance. Explaining in detail wherein your case conforms to the following requirements. Use additional sheets if necessary.

1. That the strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with it's general purpose and intent.
2. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.
3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such zone or neighborhood in which the property is located.

LOT IS 100' x 137' + 425'  
AND WOODED, SHED WILL NOT BE  
NOTICEABLE

NOTE: The Board of Adjustment is required to make a written finding of facts from the testimony that the applicant makes that the three conditions enumerated above exist, and in addition thereto must find that the granting of such variance will not be contrary to the objectives of the Comprehensive Plan. **The Planning and Zoning Commission expects that the applicant will attend the Public Hearing to discuss the request.**

Signature of Applicant: [Signature]

Date: 10-20-16

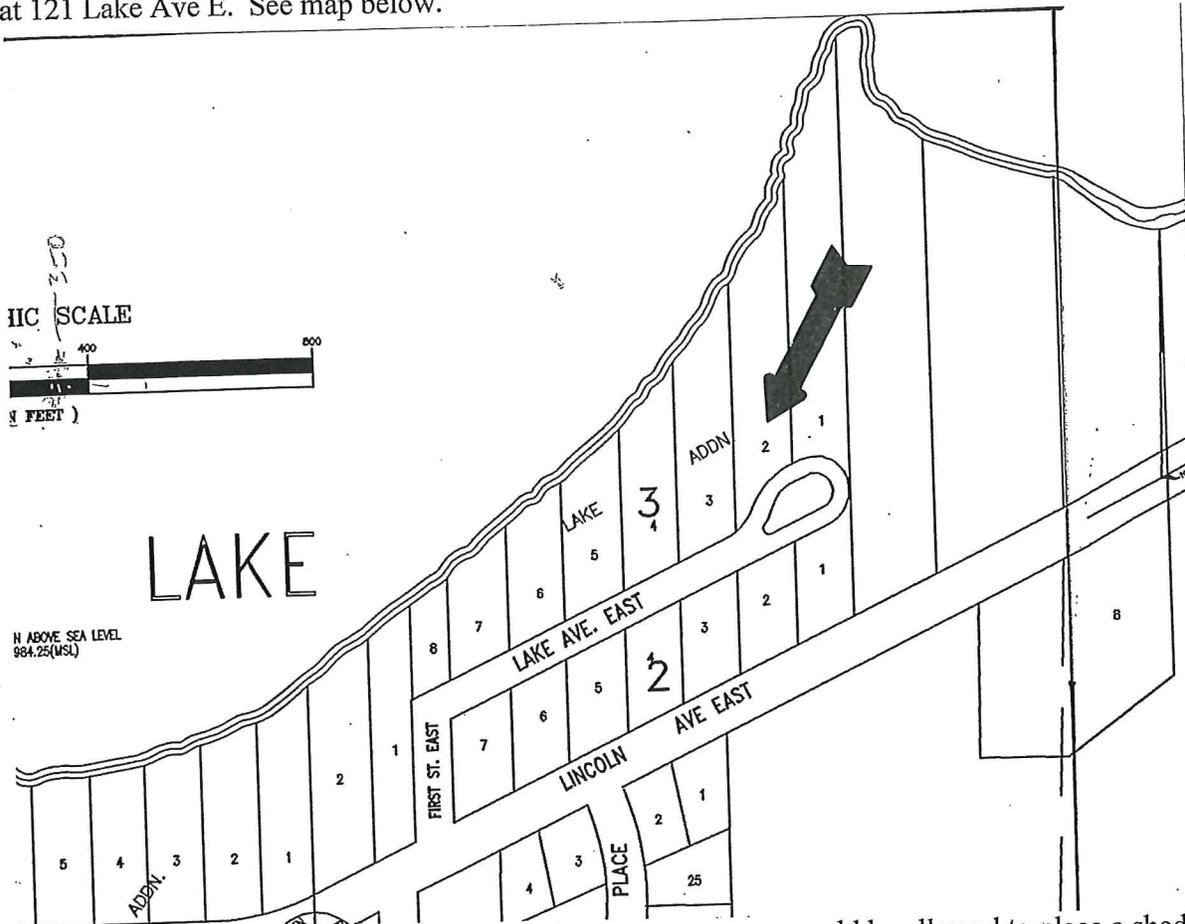
ACTION TAKEN:

PL cert 45299

**CITY OF GAYLORD**  
**BOARD OF ADJUSTMENT**  
**NOTICE TO ADJOINING PROPERTY OWNERS**

Dear Property Owner:

An application for a variance to the Zoning Ordinance has been filed with the Board of Adjustment by Douglas Nesvig. The property at issue is situated in a (R-1) Single and Two Family Residential District and is located at 121 Lake Ave E. See map below.



If the application is approved as requested, the property owner would be allowed to place a shed in the front yard. In order to place the shed in the front yard as desired the property owner must receive a variance from the existing front yard requirement of no accessory buildings shall be allowed within the required front yard.

A public hearing will be held by the Board of Adjustment on Wednesday, November 9th, 2016 at 5:30 P.M., at the Gaylord City Hall, at which time you may submit your views on the matter in person or by writing.

If you know of any interested property owner who, for any reason, has not received a copy of this letter, it would be greatly appreciated if you would inform them of the time and place of the hearing. If you have any questions please contact city hall at (507) 237-2338.

Posted: October 24th, 2016  
Published: October 27th, 2016

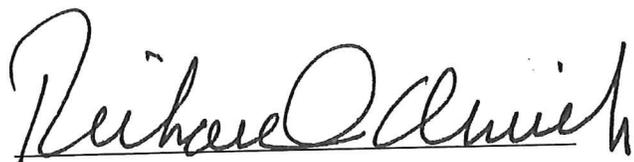
  
Per the authority of  
Richard Almich  
Interim City Administrator

**CITY OF GAYLORD**  
**BOARD OF ADJUSTMENT**  
**PUBLIC NOTICE**  
**APPEAL FOR A VARIANCE**

Notice is hereby given that on Wednesday, the 9th day of November 2016 at the hour of 5:30 P.M., or as soon thereafter that the matter may be discussed, in the Gaylord City Hall the Board of Adjustment will hold a public hearing on the application of Douglas Nesvig for a variance on the property located at 121 Lake Ave E.. The property is legally described as:

- R32.0639.000 –Lake Addn, Lot-002 Block-003, Lot 2 & S 138 FT of W 22 FT of Lot 1

The applicant is requesting to allow placement of a shed in his front yard from the requirement of no accessory buildings shall be allowed within the required front yard. If the variance is approved as requested the applicant will be allowed to place a shed in the front yard. Written comments may be submitted to the city administrator prior to the public hearing. Please contact city hall to view a map of the site or to have any questions answered.



Per the authority of  
Richard Almich  
Interim City Administrator

PUBLISHED: October 27th, 2016

**CITY OF GAYLORD**  
**Planning and Zoning Commission Meeting**  
Wednesday, July 13, 2011  
5:30 pm, City Hall

MEMBERS PRESENT: Chairperson, Orlin Grack; Commissioners, Marilyn Bratsch, Jerry Gasow, Jeff Walker,

COUNCIL PRESENT: Chad Muchow, Jessica Uecker

STAFF PRESENT: City Administrator, Kevin McCann; City Attorney, Don Lannoye

ABSENT: Commissioner Dean Messner;

Public: Rueben & Bonnie Meyer; Tom & Danielle Frauendienst

1. Call Meeting to Order  
Pursuant to due call and notice, thereof, the meeting of the Planning and Zoning Commission was called to order in the City Hall Chambers by Chairperson Grack at 5:30 pm.
2. Consider July 13, 2011 Agenda  
Motion made by Council Uecker; seconded by Commissioner Walker to approve July 13, 2011 P&Z Agenda as presented. Motion passed 6-0.
3. Approval of Minutes – June 8, 2011 P&Z Meeting Minutes  
Motion made by Council Uecker, seconded by Commissioner Walker to approve the June 8, 2011 Regular P&Z Mtg Minutes. Motion passed 6-0.
4. Consider Variance Request – Tom Frauendienst  
Variance request by Tom & Danielle Frauendienst to allow a 5.0' variance from the rear yard setback of 10' and a variance of 15.5' where the lot is located at the intersection of two or more streets to build a 32x36 detached garage. Motion made by Council Uecker; seconded by Commissioner Walker to approve variance to construct a detached garage within 5' of the rear property line and 14.5' from the side property line at 310 3<sup>rd</sup> St in the City of Gaylord. The variance request is consistent with the comprehensive plan by keeping the residential character; the garage is within the intent of the ordinance; additional garage is built with a reasonable manner-house also on lot; unique circumstances are the wetlands behind the lot and electrical wires crossing over the lot which would need to be removed if variance is not allowed; and won't alter the essential character of the locality. Motion passed 6-0.
5. Consider Variance Request - Bonnie Meyer  
Variance request made by Bonnie Meyer to allow an accessory shed in the front yard where the requirement is that no accessory building shall be built within the required front yard. Motion made by Commissioner Gasow; seconded by Commissioner Walker to approve variance request to allow construction of an accessory shed in the front yard, 75' from the front property line at 123 Lake Ave E in the City of Gaylord due to extraordinary circumstance that the lot is narrow and has woods in the front yard with house set to the back of the property; large

established oak trees to the side of the garage which inhibit construction; no concerns by neighbors; shed is within the intent of the ordinance, doesn't alter the essential characteristic of residential locality. Motion passed 6-0.

6. Adjournment

Motion made by Council Uecker, seconded by Commissioner Gasow to adjourn at 6:20 pm. Motion passed 6-0.

# Certificate of Title

Cert. Compl Thru: 11/14/2008 Certificate No: 6395

TRANSFER FROM NO. 4889 & 5086 originally registered 02/01/1957  
Volume 5 Page 183

(From Doc. #20543)

State of Minnesota, County of SIBLEY

This is to certify that  
DOUGLAS M. NESVIG AND  
JACQUELINE E. NESVIG  
are now the owners of an estate in fee simple as joint tenants.

Whose Address is 121 Lake Avenue E., in the  
City of Gaylord, State of Minnesota 55334.

Owner(s) of the following described land situated in the  
County of SIBLEY and State of Minnesota

Lot 2 in Block 3 in Lake Addition  
to the City of Gaylord.

ALSO

The South 138.00 feet of the West 22.00 feet of Lot 1 of Block 3 of  
the plat of Lake Addition to the City of Gaylord, Minnesota,  
as measured along the parallel with the West and South lines  
of said Lot 1.

Subject to the encumbrances, liens and interest noted by the memorial  
underwritten or endorsed hereon; and subject to the following rights,  
or encumbrances subsisting, as provided in M.S. Section 508.25 namely;

1. Liens, claims, or rights arising or existing under the laws or  
Constitution of the United States, which this state cannot require  
to appear of record;
2. The lien of any real property tax or special assessment;
3. Any lease for a period not exceeding three years, when there is  
actual occupation of the premises thereunder;
4. All rights in public highways upon the land;
5. The right of appeal or right to appear and contest the application,  
as is allowed by the chapter;
6. The right of any person in possession under deed or contract for  
deed from the owner of the certificate of title;
7. Any outstanding mechanics lien rights which may exist under  
sections 514.01 to 514.17.

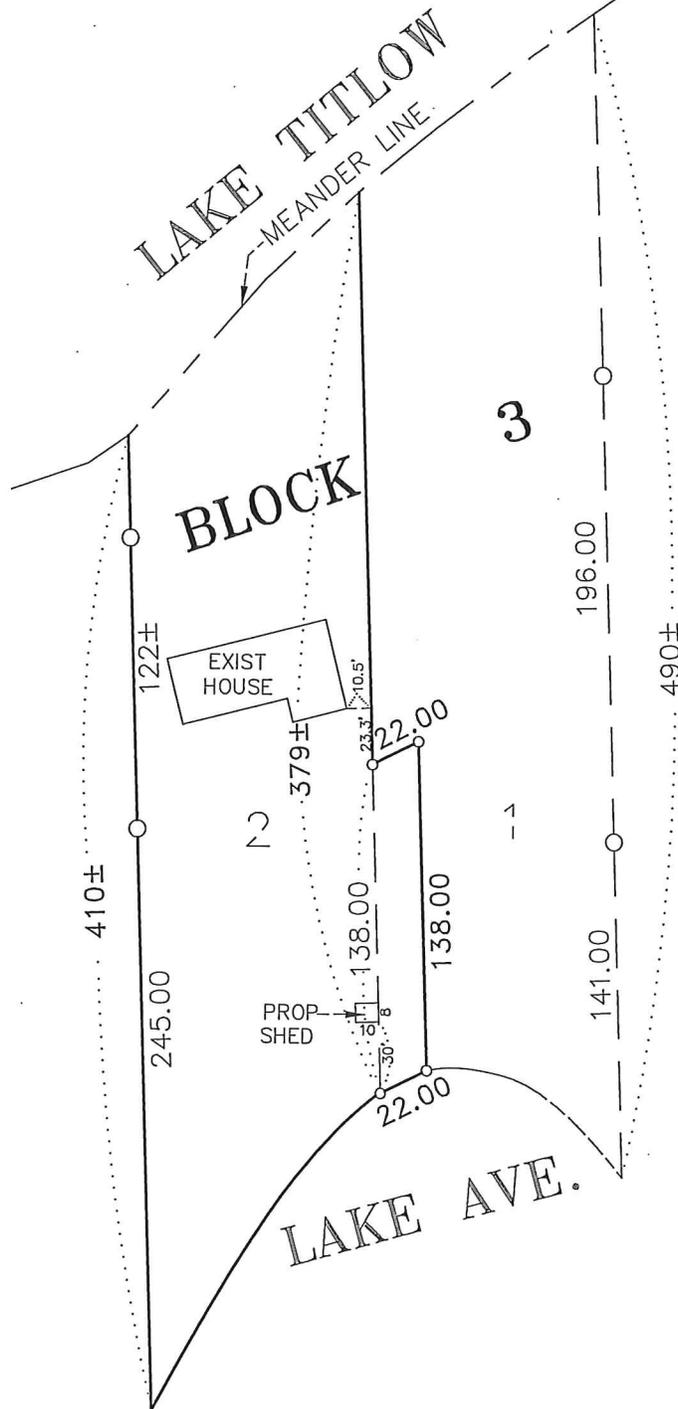
In Witness Whereof,

I have hereunto subscribed my name and affixed the seal of my office this  
1st day of December, 2008.

KATHY DIETZ  
Registrar of Titles  
In and for the  
County of SIBLEY  
State of Minnesota

By \_\_\_\_\_

# CERTIFICATE OF SURVEY



I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the state of Minnesota.

*[Signature]*  
 AVERY GROCHOW, LS  
 DATE 10/19/16 REGISTRATION NO. 15475

BUILDING PERMIT FOR  
**DOUG NESVIG**  
 LOT 2 & PART OF LOT 1, BLOCK 3  
 LAKE ADDITION  
 GAYLORD, MINNESOTA

○ DENOTES IRON PIPE SET BY RLS NO. 15475  
 SCALE: 1 INCH = 80 FEET

Oct., 2016

FILE NO. 2996



**CITY OF GAYLORD  
ORDINANCE NUMBER  
277**

1     **AN ORDINANCE AMENDING SECTION 153.197 OF THE GAYLORD CITY**  
2     **CODE TO PROHIBIT FENCES IN FRONT YARDS**

3             The City Council of the City of Gaylord Ordains:

4     Section 153.197 of the Gaylord City Code is hereby amended to read as follows:  
5

6     **§ 153.197 GENERAL FENCING, SCREENING, LANDSCAPING AND**  
7     **STORAGE.**

8             (A) All materials and equipment, except as provided in the district provisions of  
9     this chapter, shall be stored within a building or structure or screened so as not to be  
10    visible from adjoining properties, except the following:

11            (1) Usable laundry equipment (clothes lines);

12            (2) Recreational equipment and vehicles; and

13            (3) Construction and landscaping material currently being used on the  
14    premises.

15            (B) No fence, wall, structure, coniferous trees or obstruction, other than chain  
16    link fences with openings of one and five-eighths inches to two inches not exceeding  
17    48 inches in height, shall be erected, established or maintained on a corner lot within  
18    a triangular area bounded by the lot lines and a line connecting points on each lot  
19    line 20 feet from the intersection of the lot lines. An object within this area not  
20    exceeding 30 inches in height as measured from the centerline elevation of the street  
21    shall not be considered as an obstruction to vision. This section does not apply to the  
22    "B-1" District.

23            (C) No fence shall exceed **eight feet** in height and in the case of grade  
24    separation, the height shall be determined on the basis of measurement from the  
25    average point between the highest and lowest grade.

26            (D) In all commercial and industrial districts adjacent to residential districts and  
27    not divided by streets, there shall be provided along the property line, a 20-foot wide  
28    planting strip composed of grass, trees and shrubs. A screening fence may be utilized  
29    **when approved by the Planning and Zoning Commission.** The fence shall not exceed  
30    eight feet in height nor be less than six feet in height and shall screen up to 80% per  
31    square yard of area.

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32 (E) In all zoning districts, the lot area remaining after providing for parking,  
33 driveways, loading, sidewalks or other requirements shall be planted and maintained  
34 in grass, sodding, shrubs or other acceptable vegetation or landscaping techniques.

35 (F) Prior to construction in I-2 and I-3 Districts, there shall be a complete site  
36 plan and landscaping plan with species indicated done by a landscape architect and a  
37 complete surface water drainage plan submitted to the city for its approval. A  
38 performance bond in an amount large enough to assure completion of the  
39 landscaping within two years of completion of the initial structure shall be required  
40 by the city to ensure completion of the landscaping.

41 **(G) No chain link fence shall be allowed in a property's front yard. No other**  
42 **type of fence shall be allowed in a property's front yard without prior approval of**  
43 **the City Planning and Zoning Commission.**

44

45

46 **This ordinance becomes effective from and after its passage and publication.**

47

48 **Passed by the City Council of the City of Gaylord this 4<sup>th</sup> day of May, 2011.**

49

50 **Signed \_\_\_\_\_, Mayor**

51

52 **Attest \_\_\_\_\_, City Administrator**

First Reading:	April 20, 2011
Second Reading:	May 4, 2011
Adopted:	May 4, 2011
Published:	May 11, 2011

**CITY OF GAYLORD  
ORDINANCE NUMBER  
293**

1        **AN ORDINANCE AMENDING SECTION 153.201 OF THE GAYLORD CITY**  
2        **CODE REGARDING ACCESSORY BUILDING REGULATIONS**

3                    The City Council of the City of Gaylord Ordains:

4        Section 153.201 of the Gaylord City Code is hereby amended to read as follows:  
5

6        **§ 153.201 ACCESSORY BUILDINGS.**

7        (A) In all residential districts, detached accessory buildings shall be located in the rear  
8        yard. When located within ten feet of the rear wall of the principal building, they shall  
9        comply with all yard requirements applicable to the principal building in the district.

10        Where accessory buildings are to be located more than ten feet from a rear wall of the  
11        principal building, they shall not be located closer than four feet from an adjoining side  
12        lot line and ten feet from rear lot line. All detached accessory buildings shall be setback a  
13        minimum of 30 feet from all street right-of-way lines. Accessory buildings are further  
14        limited not to exceed over one story or 16 feet in height.

15        (B) All garages shall, if the vehicle entrance backs upon a public alley, be set back at  
16        least 20 feet from the public alley right-of-way.

17        (C) In no case shall the door of any structure, building or improvement, except a fence,  
18        be erected or constructed so as to extend beyond any lot line.

19        (D) In business and manufacturing districts, accessory buildings and uses may occupy  
20        any of the ground area which the principal building is permitted to occupy. Accessory  
21        buildings such as buildings for parking attendants, guard shelters, gate houses and  
22        transformer buildings, may be located in the front or side yards in the industrial districts.  
23        Parking of automobiles and other motor vehicles is permitted in the front and side yards  
24        in industrial districts if screened by a greenbelt five feet in width.

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- 25 (E) The accessory structure shall not cover more than 30% of the rear yard.
- 26 (F) The total square footage of the accessory structure shall not exceed the ground  
27 level square footage of the principal structure.
- 28 (G) Accessory structure appearance and building materials shall closely resemble  
29 principal structure.
- 30 (H) No pole buildings shall be permitted in residential districts.
- 31 This ordinance becomes effective from and after its passage and publication.  
32
- 33 Passed by the City Council of the City of Gaylord this 18<sup>th</sup> day of April, 2012.  
34
- 35 Signed \_\_\_\_\_, Mayor  
36
- 37 Attest \_\_\_\_\_, City Administrator

First Reading:	April 4, 2012
Second Reading:	April 18, 2012
Adopted:	April 18, 2012
Published:	April 25, 2012

Rebate Center

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Weekly Ad

Gift Registry

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Credit Center

Gift Cards

Shop Departments

Project Center

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Enter SKU, Model # or Keyword



Cart (0)

Home > Building Materials > Pole Barn/Post Frame Materials > Steel Panels



Click image for a larger view. Hover to zoom in.



Watch Video

### Premium Pro-Rib Steel Panel

Model Number: White\_1559000-01 | Menards® SKU: 1559000  
Variation: White

Pricing available after measurements are entered



Variation: White  
\*Prices may vary by variation



25 Variations Found



View All

Description | Specifications



### Online Availability



Ship to Home

Available for shipment in 7 days

Ship to Store - Free!

Additional Packaging/Handling Charges May Apply.

### Design & Buy

### Description & Documents

Premium Pro-Rib® is one of the most versatile members of the Pro-Rib® family of quality products. It is truly a premium wall and roof panel whose applications span a tremendous variety of residential, commercial and industrial construction projects. The superior performance of the Premium Paint System sets this panel apart from the crowd. Manufactured to the highest industry standards. Environmentally friendly product.

- Panel covers 36" width
- Custom cut lengths from 2' to 36' in 1" increments available special order in Menards store and Menards.com
- Can be used for residential, commercial and industrial roofing or post frame applications.
- Actual .0157" minimum thickness before painting .018" nominal thickness after painting (28 gauge)
- G100 galvanization coating plus zinc phosphate - 66% more than 40-year paint warranty panels
- Manufactured from structural strength ASTM-A653, grade 80 steel
- Highest hail resistance (Class 4), Class A Fire Rated
- Exposed fastener panel system
- Limited Lifetime paint warranty
- All steel over 36' to 40' must be ordered at a Menards store and delivered directly to jobsite or picked up at the plant in Eau Claire, WI, Holiday City, OH, or Valley, NE. Delivery is extra. Additional packaging/handling charges required. Exposed fastener/premium pro-rib price is figured on 38" nominal width.

Dimensions: 36" nominal coverage; 9" on center rib spacing

Brand Name: Premium Pro-Rib



Technical Specifications: [view PDF file](#)

Installation Instructions: [view PDF file](#)

Warranty: [view PDF file](#)

To read PDF files, you need the Adobe Acrobat Reader 6.0 or higher. If you don't have it, [click here](#) and download it for free from Adobe's site.

### Specifications

Product Type: Roofing Panel

Trim Type: Siding/Roofing Panel

DEPARTMENTSDEVELOPMENTVISITORSCALENDAR**460:0**

City Code: 460:0

Section 460:00

Section 460 – City of Owatonna Minimum Housing Code

Section 460:01. Title and Purpose. This Ordinance shall be known as the City of Owatonna Minimum Housing Code, may be cited as such, and will be referred to herein as this Code or Ordinance.

The purpose of this Code is to provide minimum standards to safeguard life, health, property, and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within this jurisdiction.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by this Code.

Objectives of this Code include, but are not limited to:

- a. Protect the character and stability of residential areas within the city.
- b. Correct and prevent housing conditions that adversely affect, or are likely to adversely affect life, safety, health and general welfare of residents.
- c. Provide minimum standards for heating, sanitary equipment and for light and ventilation necessary to protect the health and safety of building occupants.
- d. Provide minimum standards for the maintenance of existing residential buildings, thus preventing substandard housing and blight.
- e. Preserve the value of land and buildings throughout the city.

Except as otherwise provided by the terms of this ordinance, any other ordinance, regulation or law, the city, its employees or agents will not intrude upon the accepted contractual relationships between landlord and tenant. The city, its employees or agents will not intervene as an advocate of either party.

Section 460:02. Scope. The provisions of this Code establish minimum standards for maintaining dwellings, accessory structures and premises. Such occupancies in existing buildings may be continued as provided in the International Building Code, with the following exceptions:

- a. Where such structures are found to be substandard as defined in this Code;
- b. Where present and future licensed rental properties are not in compliance with this Code or any other code, statute, ordinance or regulation and have not been granted a valid variance or deviation order or considered legally nonconforming;
- c. Where continuation of such occupancy presents a clear danger to life, health, property, or public welfare.

Section 460:03. Applicability. This Code establishes minimum standards for maintaining dwellings, accessory structures and premises. This Code is intended to provide standards for housing, owner occupied and rental. Applicable requirements shall apply to all apartment units, homes, accessory structures, rooming houses, lodging and/or boarding houses and mobile homes used, or intended for use, for human habitation except rest homes, convalescent homes, nursing homes, hotels, motels or dormitories. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this Code shall apply to the separate portions as if they were separate buildings. Dwellings, in existence at the time of the adoption of this Code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the adoption of this Code, provided such continued use is not dangerous to life, health, property, or public welfare.

Section 460:04. Definitions. The terms used in this section shall have the following meanings:

Subd. 1. "Basement" means the lowest story of any building that does not meet the minimum requirements of a first story as defined herein.

Subd. 2. "Court or Courtyard" means an area, open to the sky, at or above grade that is bounded on at least three sides by a building and having access to a public way.

Subd. 3. "Dormitory(ies)" means buildings owned or controlled by an educational institution; or spaces within buildings owned or controlled by educational institutions, where group sleeping accommodations are provided; or a series of closely associated rooms without individual cooking facilities, and with common toilet and bathroom facilities.

Subd. 4. "Dwelling" means a building, wholly or partly used or intended to be used for living, sleeping, cooking or eating purposes by human occupants; but not including rest homes, convalescent homes, nursing homes, hotels, motels, facilities licensed by the State of Minnesota as institutional occupancies or dormitories and may also be called a residence or residential building or apartment building.

Subd. 5. "Dwelling Unit" means a room or group of rooms within a dwelling, forming a single habitable unit and includes apartments.

Subd. 6. "Egress" means an arrangement of exit facilities to assure safe means of exit from a building with specific dimensions as required in this Code or any applicable code.

Subd. 7. "Exit" means a continuous and unobstructed means of egress to a public way. Exit includes intervening doors, corridors, ramps, stairways, and courts.

Subd. 8. "Extermination" means the control and elimination of insects, rodents or other pests by eliminating their places of harborage; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination method. Extermination shall include removing all signs of extermination thereafter.

Subd. 9. "First Story" means the lowest story in a building provided it is not more than four feet below grade for more than 50% off its perimeter, or more than eight feet below grade at any point in its perimeter.

Subd. 10. "Garbage" means all putrescible organic wastes resulting from the handling, storage, preparation, cooking or consumption of food.

Subd. 11. "Habitable Room" means a room used or intended to be used for living, sleeping, eating or cooking purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, corridors, unoccupied cellars, accessory garages, porches, attics, stairways, closets and storage spaces, and utility and heating areas.

Subd. 12. "Infestation" means the presence of insects, rodents or other pests within or around a dwelling.

Subd. 13. "Kitchen" means a habitable space within a dwelling unit used or intended to be used for cooking of food or preparation of meals. No part of any kitchen may be within the bathroom or toilet compartment.

Subd. 14. "Nonconforming Use" means a use of land or occupancy that does not comply with the regulations of this Ordinance, but which did conform to regulations in effect at the time of original occupancy or licensing.

Subd. 15. "Occupant" means any person living, sleeping, eating or cooking within a dwelling unit.

Subd. 16. "Person" means any individual, firm, partnership, association, corporation, company or a joint venture or organization of any kind.

Subd. 17. "Premises" means the dwelling and its land and all buildings thereon.

Subd. 18. "Public Way" means street, alley or other place where the public has access and which is at least 10 feet in width.

Subd. 19. "Rent" means any consideration paid for the exclusive use of the dwelling unit, including, but not limited to, money, services or a combination thereof, paid or delivered at fixed intervals periodically agreed upon.

Subd. 20. "Repair" means to restore to a sound, acceptable state of operation, serviceability or appearance.

Subd. 21. "Replace or Replacement" means to remove all or a portion of an existing system or structure and to construct or install a new item of a quality similar to that of the item replaced when it was new. Replacement ordinarily takes place when repair of an item is impractical.

Subd. 22. "Rooming Unit" means a room or group of rooms forming a habitable unit used or intended to be used for living and sleeping, but not for cooking purposes, along with private or shared sanitation facilities.

Subd. 23. "Rubbish" means all nonputrescible solid wastes, such as paper, card-board, tin cans, glass, cold ashes, wood, clothing, yard clippings and similar materials.

Subd. 24. "Safety" means the condition of being reasonably free from danger and hazards which may cause injury or illness.

Subd. 25. "Sound Condition and Good Repair" means that the dwelling unit or its structural elements, fixtures, facilities or equipment are in a safe and acceptable condition and appearance and in good working order and operation.

Subd. 26. "Yard" means any open space, other than a court, unobstructed from the ground to the sky, on the lot on which a building is located.

#### Section 460:05. Inspections Under the Minimum Housing Code.

Subd. 1. Rental Licenses. Inspections of rental dwelling units shall be made as provided in Section 457 "Registration of Rental Unit".

Subd. 2. Inspection Upon Complaint. Any residential property within the city is subject to investigation upon complaint by any citizen or city employee. Complaints shall be investigated in accordance with the following schedule:

Complaints involving immediate substantial risk to life and/or safety: such complaints shall be investigated immediately by the City Fire Chief or designee to verify the existence of conditions presenting immediate threat to life and/or safety.

Complaints with a significant potential of risk to life and/or safety: Such complaints shall be investigated within 24 hours of receipt by the City Fire Chief or designee to verify the existence of conditions in violation of this Code or any other applicable statute, ordinance, code or regulation.

All other complaints: Such complaints against residential property, not outlined above, shall be investigated within 72 hours of receipt, or as soon thereafter as practicable, by the City Fire Chief, or designee, to verify the existence of conditions in violation of this Code or any other applicable statute, ordinance, code or regulation.

Subd. 3. Confidentiality of Complainant's Name. The identity of any person filing a complaint about violations of state law or local ordinances concerning the use of real property, and any information that would identify such person, is classified as confidential under Minn. Stat. § 13.44. No employee or agent of the city shall release or reveal such information except by court order.

Subd. 4. Penalty for Retaliation Against Complainant. It is a misdemeanor for any person to take retaliatory action against, harass or intimidate any person who makes a good faith complaint against real property within the city.

Subd. 5. Penalty for Filing False or Malicious Complaint. It shall be a misdemeanor for any person to file a false or malicious complaint of violations of state law or local ordinance concerning the use of real property.

#### Section 460:06. Space and Occupancy Standards.

Subd. 1. Substandard Buildings Generally. Any building or portion thereof, or the premises on which the same is located, where violations of this Code exist, or where the following listed conditions are present, to an extent that endangers the life, limb, health, property, welfare or safety of the public or the occupants thereof shall be deemed and is hereby declared to be a substandard building. All conditions noted below are regulated under the International Building Code and International Fire Code elsewhere adopted in this Ordinance Code.

- a. Dampness of habitable rooms.
- b. General dilapidation or improper maintenance.
- c. Deteriorated or inadequate foundations.
- d. Defective or deteriorated flooring or floor supports.
- e. Walls, partitions or other vertical supports that twist, lean or buckle.
- f. Roofs, ceilings or other horizontal members that sag or buckle.
- g. Fireplaces or chimneys that lean, crumble or settle.
- h. Maintenance of any public nuisance as defined in City Ordinance or state statute.
- i. Maintenance of any nuisance which may be a safety hazard, including abandoned wells, shafts, basements, cisterns or excavations; abandoned refrigerators or motor vehicles; structurally unsound buildings or fences; or any lumber, trash, fence, debris or unlawful vegetation.
- j. Electrical wiring that does not conform to the law in effect at the time of installation or any wiring that is not maintained in good condition. Such conditions may include, but are not limited to broken wires, bare or frayed wires, broken or burned outlets and switches, missing cover plates, fuses rated for more than wiring, and bypassed or defeated fuses/circuit breakers.
- k. Deteriorated, crumbling or loose plaster or sheet rock.
- l. Deteriorated or ineffective weatherproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
- m. Defective or lack of weather protection for exterior of structures, including lack of paint, or weathering due to lack of paint or other approved protective covering as provided herein. Exterior wood members treated with decay-resistant materials and designed to be left in an unpainted state are exempt from this requirement.
- n. Broken, rotted, split or buckled exterior wall coverings or roof covering.
- o. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which is in such condition as to cause fire or explosion or provide a ready fuel to augment the spread and intensity of any fire or explosion arising from any cause.
- p. Railings, banisters, decks, balconies, and stairways that are broken, not secure or constructed in such manner as to present a danger to those using such railing, banister, deck, balcony, or stairway.
- q. Inadequate heating, inadequate hot/cold running water, or lack of toilet, bath or shower facilities where required.

Subd. 2. Emergency Orders. Whenever the City Fire Chief, or designee, finds that an emergency exists which requires immediate action to protect the public health and/or safety, the City Fire Chief, or designee, may, without notice or hearing, issue to the owner of property an order reciting the existence of such an emergency and requiring the owner to take such action as the City Fire Chief, or designee, deems necessary to meet the emergency. Notwithstanding the other provisions of the housing code, such order shall be effective immediately and any person to whom such order is directed shall comply therewith immediately, but upon petition to the City Fire Chief shall be afforded a hearing, granted by City of Owatonna Board of Appeals. After such hearing, the City shall continue such order in effect, or modify it, or revoke it. Failure to request a

hearing or take the action required by the order within five days of mailing or within three days of personal service of the order shall be a misdemeanor.

Section 460:07. Exterior Regulations.

Subd. 1. Address. The address of the dwelling shall be visible from the street and of contrasting color to the building. [2000 International Fire Code (IFC) 505.1].

Subd. 2. Roof. Every roof must be tight, without leaks, and kept in sound condition and good repair. [2000 International Building Code (IBC) 3401.2].

Subd. 3. Chimney. Chimneys shall be in sound condition and good repair and shall not be leaning, crumbling, or settling. [2000 IBC 3401.2].

Subd. 4. Gutters and Soffits. Gutters and soffits shall be in sound condition and good repair. Gutters shall be properly attached to the building to allow for drainage. [2000 IBC 3401.2].

Subd. 5. Windows and Doors. Windows and doors shall be operable, in sound condition and good repair. Broken windows shall be replaced. Rotting window frames shall be replaced or repaired. [2000 IFC 504.2].

Subd. 6. Trash, Rubbish, Abandoned Refrigerators, Freezers, and other Appliances. Trash and rubbish shall be properly stored and disposed of. Each dwelling unit shall have access to an enclosed container. No abandoned refrigerators, freezers, or other appliances shall be left outside the premises. [2000 IFC 304.1.1 and 304.3]; Section 920:00 of this Ordinance Code.

Subd. 7. Decks, Patios and Railings. Decks, patios and railings shall be in sound condition and good repair. [2000 IFC 1003.3.3.11].

Subd. 8. Retaining Walls and Fences. Retaining walls and fences shall be kept in sound condition and good repair. [2000 IBC 3401.2].

Subd. 9. Exterior Weather Protection. All exterior surfaces, other than decay resistant wood or other decay resistant materials shall be maintained to provide adequate weather protection to protect the exterior surfaces from the elements and decay. Any area with chipped, missing or blistered paint which is more than 25% of the surface area shall be repainted with non-lead based paint or provided with weather or decay resistant coatings. For purposes of this subsection "area" is that portion of a building surrounded by a definite break in construction that separates it from the rest of the structure. Examples of areas are: windows and sash, a side of a house, soffits, and doors.

Subd. 10. Foundations. Foundation material shall be maintained in sound condition and good repair and shall be free from gaps or missing mortar or defects that may cause leaks or structural failure. [2000 IFC 3401.2].

Subd. 11. Gas Meters. Exterior gas meters shall be provided with necessary protection from contact with motor vehicles. [2000 IFC 312.1.2.3].

Subd. 12. Parking. Parking surfaces shall be gravel or stone at a minimum. Parking of motor vehicles on lawns is prohibited.

Subd. 13. Detached Structures. Detached structures, including garages, sheds, and other accessory buildings shall be maintained in sound condition and good repair and in the same manner as the main structure of the premises. [2000 IBC 3401.2].

Subd. 14. Grills on Decks. The use of grills, cookers, fuels, and fire pits shall not be allowed on the deck of any building with more than two dwelling units. [2000 IFC 307.5].

Subd. 15. Proper Storage of Fuel and Fuel Operated Equipment. The storage of the following within a dwelling unit is prohibited: (a) Gasoline or diesel operated vehicles; (b) gasoline or diesel operated equipment; and (c) cooking grills or other cooking appliances containing fuels; gasoline, diesel fuel, kerosene, and liquid petroleum. The foregoing shall be stored in a garage or other accessory building having a wall with a one-hour separation rating. [2000 IFC 315.2.5].

Subd. 16. Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangers property, shall be cut down and removed by the owner or occupant of the premises. [2000 IFC 304.1.2].

Section 460:08. Electrical.

Subd. 1. Electrical Equipment. Every dwelling unit and all public and common areas shall be supplied with functioning electric service. 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 for the intended use of such equipment.

Subd. 2. Every habitable room shall contain at least two electrical convenience outlets or one convenience outlet and one electric light fixture. Every toilet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one electric light fixture.

Subd. 3. Electrical Service Panel. Access to the operating face of any electrical switchboard or panel board shall be maintained as provided in the International Fire Code and/or Electrical Code. Electric panels shall be in a condition so as not to allow contact with energized wires, contacts, or busses. Fuse sockets shall be furnished with proper fuses. [2000 IFC 605.3].

Subd. 4. Extension Cords. Extension cords shall not be used as a substitute for permanent wiring. Extension cords shall not extend through wall openings, beneath rugs or carpeting, or be bundled. Extension cords may not be used for loads greater than the rated capacity for which they are designed. [2000 IFC 605.5].

Subd. 5. Outlets and Junction Boxes. All outlets and junction boxes shall have covers that are property secured. [2000 IFC 605.1].

Subd. 6. Ground Fault Indicators (GFI's). All GFI outlets must be in sound operating condition. [2000 IFC 605.1].

Subd. 7. Bare Wires. Bare wires or wire nuts are prohibited except for low voltage wiring for speaker cords, telephone equipment, or doorbell wiring or knob and tube wiring in sound condition. [2000 IFC 605.1].

Section 460:09. Exits.

Subd. 1. Handrails. Handrails shall be continuous on one side of a stairway and shall be between 34 and 38 inches in height. Where a handrail has been removed it shall be replaced in compliance with the Building Code. A stairway shall be equipped with a handrail where a safety hazard exists. [2000 IFC 1003.3.3.11.1].

Subd. 2. Exit Hardware. Doors shall open from the inside without the need of special knowledge, effort or tools. Doors within common egress paths may not be equipped with hasps/padlocks, multiple locks, or double-keyed deadbolt locks. Night latches, deadbolts, or security chains are acceptable within an individual dwelling unit. [2000 IFC 1003.3.1.8].

Subd. 3. Lighting in Common Hallways. All public hallways, stairs and other exit ways shall be adequately lighted at all times. The level of light shall be maintained at an intensity of one-foot candle at floor level. One-foot candle can be approximated by having enough light to allow normally sighted people to see their own feet. In lieu of continuously operating electrical lighting it shall be acceptable to have motion activated lighting systems, provided such systems are instantaneously activated by movement anywhere within the public hallway, stair and other exit way. [2000 IFC 1003.2.11.1].

EXCEPTION: In duplexes and single residences conveniently located self-illuminated light switches controlling an adequate working lighting system which may be turned on when required may be substituted for full-time lighting.

Subd. 4. Exit Signs and Emergency Lights. Exit signs and emergency lights must be maintained in sound working condition. [2000 IFC 1010.4].

Subd. 5. Fire Doors. Fire doors when provided must be sound, positive latching and self-closing. Fire doors shall be of solid construction of approved materials. [2000 IFC 1003.2].

Subd. 6. Exit Ways. Exit ways shall be free and clear of obstructions including storage, furniture, decorations, garbage, snow, or structural problems. [2000 IFC 1003.2].

Subd. 7. Fire Protection. Fire extinguishers shall be provided as follows:

- a. A 1A 10BC rated extinguisher shall be provided for each dwelling unit; or
- b. A 2A 10BC rated extinguisher shall be located within 75 feet of each dwelling unit door. No extinguisher shall be at a distance more than 3 steps up or down from the door of the dwelling unit. All fire extinguishers shall be accessible. [2000 IFC 901.6.1 Standards Ref NFPA 10].

Subd. 8. Fire Extinguisher Maintenance.

- a. All fire extinguishers shall be checked monthly and logged to determine that they are present and under proper pressure.
- b. All fire extinguishers shall be inspected annually by a qualified person to determine that they are under proper pressure and that dry powder is not hard packed and that they are otherwise in good operating order. Annual inspections may be done by the owner with proper training or other qualified person. [2000 IFC 901.6.1 Ref NFPA 10].
- c. Every six years all ABC extinguishers shall be recertified by a professional service person.
- e. Proof of maintenance shall be evidenced by either a maintenance tag or maintenance log, or both.
- f. The qualified person may be either a commercial fire extinguisher maintenance firm or the owner with proper training.

Subd. 9. Smoke Detectors. Single- or multiple-station smoke alarms shall be installed and maintained regard-less of the occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent low-er level provided that the lower level is less than one full story below the upper level.

For dwellings built before August 1, 1989, detectors can receive their power from a battery supply. For dwellings built on or after August 1, 1989, detectors shall be connected to a centralized power source.

Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with the provisions of this code and the household fire-warning equipment provisions of NFPA 72.

A smoke detector shall be present and working in the basement, if the basement door opens to the main living area. [2000 IFC – Minnesota State Fire Code 907.2.10.1.2].

The detectors may be battery operated or hard wired. Smoke alarms must be properly maintained. Owners of dwelling units shall replace the batteries and battery smoke alarms at least annually or more often as necessary.

Smoke alarms shall be tested at least once monthly. Smoke alarms shall be replaced every 10 years. [2000 IFC – Minnesota State Fire Code 907.3.1].

Section 460:10. Fire Alarm Systems and Sprinkler Systems. Dwellings equipped with or required to have the following systems shall comply with the following requirements:

TYPE OF SYSTEM	TYPE OF SERVICE	FREQUENCY	TO BE COMPLETED BY
Sprinkler	Inspection & Testing	Annual	Licensed sprinkler contractor
Detection & alarm	Inspection & testing (Low voltage/power limited)	Annual	Qualified employee working for a licensed alarm and communications contractor or licensed electrical contractor
Portable fire extinguishers	Quick check	Monthly	Minimum knowledge necessary
	Maintenance	Annually	
			Trained person
Standpipes	Inspection and Testing	5 years	Licensed sprinkler contractor or licensed plumber
Smoke Control/Removal	Testing	Annual	Approved person
Special Suppression	Inspection & testing	Annual	Approved persons
Systems in High-rise Buildings	Testing	Annual	Approved persons
Emergency voice-alarm signaling	Testing & maintenance	Annual	Qualified and knowledgeable persons

Fire Pumps	Test pump operation under no-flow conditions	Monthly	Qualified operating personnel
	Inspection & Testing	Annual	Licensed sprinkler contractor

All fire alarm systems required by the Fire Code shall automatically transmit the alarms to an approved central station, remote supervision station or proprietary station as defined in NFPA 72.

[2000 IFC and Minnesota State Fire Code].

Section 460:11. Interior Regulations.

Subd. 1. General Requirements for all Living Areas. Within all habitable rooms of a dwelling unit, including living areas, kitchens, bathrooms, bedrooms and basements, the following conditions shall be provided or maintained:

- a. General Condition. Structural elements of the dwelling unit including doors, windows, ceilings, walls, and floors shall be in sound condition and good repair and free of fire hazards.
- b. Electrical Wiring and Lighting. Electrical wiring and lighting shall be in sound condition and good repair.
- c. Heating. Heating facilities shall be turned on and maintained at a minimum temperature of 68° Fahrenheit between October 1st and May 1st.
- d. Security. Windows and exterior doors must be lockable and equipped with locking devices of an approved type. [2000 IFC 1003.3.1.8].
- e. Occupant load. The minimum floor area allowance per occupant in residential dwellings shall be 200 gross sq. ft. per occupant.

Subd. 2. Kitchens.

- a. Cooking ovens, cooking stoves, and/or cooking ranges, if provided by owner, shall be in sound condition and repair and good operating order. Gas models shall be self-igniting and equipped with a shut off valve. Gas lines shall be in sound condition and good repair.
- b. Refrigerators shall be operable, in sound condition, and in good repair.
- c. The kitchen sink shall be operable, in sound condition, and in good repair and provide adequate hot and cold running water.
- d. Food Storage and Preparation. Space shall be provided for the storage and preparation of foods.

Subd. 3. Bathrooms.

- a. Ventilation. A window or mechanical fan connected directly to the outside shall be provided.
- b. Toilet. Bathrooms shall be equipped with an operable flush toilet, fixed washbasin or lavatory, and either a bathtub, shower or combination. Adequate hot and cold running water shall be provided.
- c. Door. A bathroom shall occupy an enclosed space equipped with a door.

Subd. 4. Bedrooms.

- a. Means of Egress. All sleeping rooms shall have a primary and a secondary means of escape. The primary means of escape is the primary access to a room. The secondary means of escape may be a window meeting the minimum size requirements set forth hereafter. All means of egress shall comply with this section and Minnesota State Fire Marshal Office Policy # INS-04 (2007) (Revised 6/27/2012) as attached.
- b. Escape Windows. When required, emergency escape windows (second means of egress) shall be installed and maintained in Group R occupancies as specified in MSFC (07) Section 1026.1 and this policy. Emergency escape windows shall be installed in sleeping rooms and basements used for sleeping.

Any one of the following four options will substitute for an emergency escape window from a room.

- 1. An escape window is not required if the room has a door that leads directly to the exterior of the building.
- 2. An escape window is not required if the building is protected through-out by an approved, automatic sprinkler system.
- 3. Escape windows need not be installed from rooms of existing buildings having two separate means of escape, provided that the means of escape are independent and remote from each other and they pass through one adjacent non-lockable

room or area.

4. Escape windows are not required in group R hotels or motels constructed prior to April 11, 1983.

Sliding glass doors may be accepted as qualifying exit doors provided that the doors are maintained operational at all times [MSFC (07) Section 1008.1.2 Exception 4, MSBC (07) Section 1008.1.2 Exception 4].

c. Approved Emergency Escape Windows. When used as an emergency escape, only a single window in each room need meet the minimum size requirements listed below. The window sash cannot be removed to meet the size requirements and windows must be measured with the window fully opened by the normal window opening mechanism.

For escape windows installed prior to July 10, 2007\*:

- A minimum of 20 inches in width
- A minimum of 20 inches in height
- A minimum of 648 square inches (4.5 square feet) of clear opening
- A maximum of 48 inches from the floor to the sill opening

Note: The above is considered the absolute minimum regardless of existing or window replacement.

For escape windows installed above or below the level of exit discharge on or after July 10, 2007:

- A minimum of 20 inches in width
- A minimum of 24 inches in height
- A minimum of 820 square inches (5.7 square feet) of clear opening
- A maximum of 44 inches from the floor to the sill opening

For grade or ground floor escape windows installed on or after July 10, 2007:

- A minimum of 20 inches in width
- A minimum of 24 inches in height
- A minimum of 720 square inches (5.0 square feet) of clear opening
- A maximum of 44 inches from the floor to the sill opening

Approved egress/escape windows may include any of the following:

- Double hung windows
- Sliding windows
- Casement windows

See the attached diagrams for additional description of acceptable escape windows and a worksheet for determining compliance with the requirements of the MSFC (07).

d. Escape Window Opening Height. Escape windows with openings up to 52 inches off of the floor may meet the height requirement (for existing buildings as applicable from Section 1.2 above) by securing a step, platform or bed to the wall directly underneath the window. This step, platform or bed shall be no more than 44 inches below the opening and must be strong enough to support the weight of the person. The minimum acceptable width shall be the same as the window opening. The minimum acceptable depth away from the wall shall be 18 inches. [MSFC (07) Section 1026.1]

e. Coverings on Escape Windows. Plastic coverings are allowed to cover egress/escape windows and exterior doors if the plastic covering meets the following requirements. [MSFC (07) Section 1026.1]

- The plastic covering shall be readily transparent. The occupant shall be able to readily see rescuers on the outside and rescuers shall be able to readily see people on the inside.
- The plastic covering may only be attached on the inside and can only be attached to the window frame or structure with two sided tape, hook and loop (Velcro) or static cling.
- The plastic shall have enough material overhanging the attachment on all sides, top and bottom to facilitate grabbing it from any direction and allow easy removal.

f. Window Wells. Escape windows with a finished sill height below the adjacent ground elevation shall have a window well. Window wells shall comply with the following [MSFC (07) Section 1026.5]. See the attached POLICY # INS -26 diagram for additional description of window wells and a worksheet for determining compliance with the requirements of the MSFC (07).

1. Window well size. The window well shall have a minimum horizontal area of 9 square feet with minimum dimensions of 36 inches. The area of the window well shall allow the emergency escape opening to be fully opened. [MSFC (07) Section 1026.5]

2. Ladders or steps. Window wells with a vertical depth of more than 44 inches shall be equipped with an approved permanently affixed ladder or stairs that is accessible with the window in the fully open position. The ladder shall not be obstructed by the window or obstruct the opening of the window. The ladder is also not allowed to encroach into the required dimensions of the window well by more than 6 inches. [MSFC (07) Section 1026.5.2]

3. Covers on window wells. Window wells may be covered as necessary to keep the window well clear of debris, snow, and rain water and to help prevent people from falling in if the building owner wishes. However, the cover shall comply with the following requirements:

- i. The covering shall not interfere with the opening of the window in any way.
- ii. The covering shall be supported in such a way that it cannot become frozen to the ground, window well or structure.
- iii. The covering shall be readily removable without the use of tools or special knowledge from the window well area by the building occupants.

g. Means of Egress for Existing Buildings. Means of egress in existing buildings shall comply with 2007 Minnesota State Fire Code, Sections 1027.1 through 1027.23.4.

1. Compliance option. Means of egress in existing buildings conforming to NFPA 101 (Life Safety Code) shall be deemed as evidence of compliance with this section.

2. Previous codes. Means of egress in existing buildings conforming to the requirements of the Fire Code or Building Code

under which they were constructed shall be considered as complying means of egress if, in the opinion of the fire code official, they do not constitute a distinct hazard to life.

h. Carbon Monoxide Alarm Requirements. Every single family dwelling and every dwelling unit in a multifamily dwelling must have an approved and operational carbon monoxide alarm installed within ten feet of each room lawfully used for sleeping purposes. All carbon monoxide alarms must comply with this section and with Minnesota Statutes 299F.50, as attached.

Exceptions:

1. In lieu of requirements of subdivision h, multifamily dwellings may have approved and operational carbon monoxide alarms installed between 15 and 25 feet of carbon monoxide producing central fixtures and equipment provided there is a centralized alarm system or other mechanism for responsible parties to hear the alarm at all times.
2. An owner of a multifamily dwelling that contains minimal or no sources of carbon monoxide may be exempted from the requirements of subdivision 1, provided that such owner certifies to the commissioner of public safety that such multifamily dwelling poses no foreseeable carbon monoxide risk to the health and safety to the dwelling units.

Subd. 5. Basements.

a. Egress. Basement stairways shall be in sound condition and good repair and required handrails installed and secure.

Subd. 6. Utilities.

a. Furnace and Water Heater. The furnace or boiler and water heater shall be in sound condition and in good repair.

b. Clearances. The following clearances shall be maintained:

- Pipes – 6" to combustibles on single wall pipes
- Pipes – 1" to combustibles on new style double wall riser
- Combustibles are not allowed in the area around the furnace, water heater or boiler
- Wood burners need a minimum of 3' of clearance

c. Chimney Pipes. Chimney pipes must be clear, in sound condition, and good repair and the piping shall be stable.

d. Washer and Dryer Units. Electrical and gas connections shall be in sound condition and in good repair. Gas piping shall not have any kinks. Exhaust ducts for domestic clothes dryers shall be constructed of metal and have a smooth interior finish. The exhaust duct shall be a minimum nominal size of 4' (102mm) in diameter. The entire exhaust system shall be supported and secured in place. The male end of the duct at overlap duct joints shall extend in the direction of airflow. Clothes dryer transition ducts used to connect the appliance to the exhaust duct system shall be limited to single lengths not to exceed 8 feet (2438mm) and shall be listed and labeled for the application. Transition ducts shall not be concealed within construction.

Subd. 7. Health and Safety.

a. Insects and Rodents. Rodents or insects shall be eliminated from dwelling units.

b. Housekeeping. Living areas shall be clean and free of hazards which may cause injury or illness.

Section 460:12. Violations; Penalty. A violation of this Ordinance shall be a misdemeanor. Nothing in this section shall prohibit the city from pursuing other legal remedies, including injunctive relief for any violation of this Ordinance.

Section 460:13. Severability. If any section, paragraph, phrase, or provision of this Ordinance shall be determined invalid for any reason, such determination of invalidity shall not affect the remaining provisions of this Ordinance.

[City Code Index \(city/city-of-owatonna-city-code\)](#)

## Gaylord, MN Code of Ordinances

TITLE XV: LAND USAGECHAPTER 151: HOUSING CODE

## CHAPTER 151: HOUSING CODE

## Section

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## GENERAL PROVISIONS

## § 151.01 APPLICABILITY.

(A) The provisions of this chapter shall apply to all buildings or portions thereof used, or designed or intended to be let for human habitation, except rest homes, convalescent homes, nursing homes, hotels and motels. Additions, alterations or repairs shall be done in accordance with applicable sections of the Building Code.

(B) Certified rental units in existence at the time of the adoption of this chapter may have their existing use or occupancy continued, if the use or occupancy was legal at the time of the adoption of this chapter, providing the continued use is not dangerous to life, health, property or public welfare and shall be re-inspected, whether or not they have been inspected prior to this chapter.

(C) Homes that were in existence at the time of original adoption of this chapter, but were not certified rental units at the time, may become certified rental units in the future and may be given exemption from the provisions of this chapter upon application to and approval by the planning commission.

(Ord. 253, passed 10-5-2005; Ord. 261, passed 5-7-2008; Ord. 301, passed 3-20-2013)

§ 151.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Whenever the words “dwelling,” “dwelling unit,” “rooming unit,” or “premises” are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof”.

**BUILDING CODE STANDARDS.** Standards required by the state’s Building Code including all appendices, sub-codes, attachments and related codes as have been adopted and promulgated by the state and in force and effect in the city.

**DWELLING.** A building wholly or partly used or intended to be used for living, sleeping, cooking or eating purposes by human occupants; but not including hotels and motels.

**DWELLING UNIT.** A room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

**EGRESS.** An arrangement of exit facilities to assure a safe means of exit from buildings.

**EXTERMINATION.** The control and elimination of insects, rodents or other pests by elimination of their harborage places; by removing or making inaccessible, materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination method approved by the Occupancy Inspector; and to remove all signs of extermination thereafter.

**FLOOR AREA.** The net floor area within the enclosing walls of a room in which the ceiling height is not less than seven feet, excluding areas occupied by closets and built-in equipment, such as cabinets, kitchen units, fixtures and appliances.

**HABITABLE ROOM.** A room or enclosed floor space, used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

**INFESTATION.** The presence of insects, rodents or other pests within or around a dwelling on the premises.

**LET.** The giving of the use of a dwelling, dwelling unit or rooming unit by an owner to a tenant in return for rent.

**MULTIPLE DWELLING.** Any dwelling of more than two dwelling units.

**OCCUPANT.** Any person living, sleeping, cooking or eating in or having actual possession of, a dwelling unit or rooming unit.

**OPERATOR.** A person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

**OWNER.** A person, firm or corporation who, alone, jointly or severally with others own or has an ownership interest in a dwelling, dwelling unit or rooming unit within the city.

**PLUMBING.** Includes the following supplied facilities and equipment: water pipes, waste pipes, water closets, sinks, lavatories, bath tubs, showers, vents, sump pumps and any other similar supplied fixtures, together with all connections to water and sewer lines.

**PREMISES.** The dwelling and its land and all buildings thereon and areas thereof.

**REFUSE.** All putrescible and non-putrescible waste solids including, but not limited to, garbage and rubbish.

**RENT.** A stated return or payment for the temporary possession of a dwelling, dwelling unit or rooming unit. The return or payment may be money or service or property.

**ROOMING UNIT.** A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes, along with private or shared sanitation facilities.

**SAFETY.** The condition of being reasonably free from danger and hazards which may cause injury or illness.

**VARIANCE.** A difference between that which is required or specified and that which is permitted.

**WATER CLOSET.** A toilet, with a bowl and trap made in one piece, which is connected to the city water and sewer system or other approved water supply and sewer system.  
(Ord. 253, passed 10-5-2005)

#### INSPECTIONS; CERTIFICATE

##### § 151.15 RIGHT OF ENTRY.

The Occupancy Inspector is hereby authorized and directed to enforce all provisions of this chapter. Whenever it is necessary to make an inspection to enforce any provision of this chapter or whenever there is cause to believe that there exists any violation, the Occupancy Inspector is authorized to enter the building or premises at all reasonable times to perform any duties imposed upon the Occupancy Inspector by this chapter. The Inspector shall present proper credentials and request entry. The Inspector shall make a reasonable effort to contact the owner or other persons having charge or control of the building to request entry. If entry is refused, the Inspector shall have recourse to every remedy provided by law to secure entry, including the commencement of an action in District Court with necessary temporary motions and proceedings thereon to secure the entry. When the Occupancy Inspector shall have obtained a proper remedy by law to enter a building, no owner or occupant or operator of a building or premises, shall fail or neglect to permit entry for the purpose of inspection pursuant to this chapter.  
(Ord. 253, passed 10-5-2005)

##### § 151.16 RESPONSIBILITIES.

(A) *Owner.* An owner shall be responsible for maintaining his building in a sound, sanitary and safe condition, including the shared or public areas. An owner shall comply with the provisions of this chapter. An owner shall furnish and maintain the approved sanitary facilities as are required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place shall be responsible for extermination. An owner shall provide adequate refuse containers and be responsible for refuse removal from the premises; the owner may by contract delegate this responsibility to the tenant, but the owner shall remain ultimately responsible.

(B) *Occupant.* An occupant of a dwelling, dwelling unit or rooming unit shall be responsible for keeping it safe and sanitary and an occupant shall properly dispose of all refuse.

(Ord. 253, passed 10-5-2005)

##### § 151.17 INSPECTION.

The Occupancy Inspector shall inspect a unit upon receiving a legitimate complaint. That being a complaint in which the complainant provides the complainant's name and address and specifies the complaint. Upon receipt of this complaint, the Inspector shall notify the owner or tenant to correct the problem which prompted the complaint. A complaint could show cause for a complete inspection of a unit. Anonymous complaints shall not be handled. An owner may request an advisory inspection of a unit.

(Ord. 253, passed 10-5-2005)

##### § 151.18 HOUSING CERTIFICATE.

(A) *Application.* An owner of a dwelling in which one or more dwelling units or rooming units are let or are intended to be let, shall make application for a housing certificate, unless the unit has been previously certified. An owner of a unit shall not allow occupancy of the unit unless and until a housing certificate has been issued. The Occupancy Inspector may issue a temporary housing certificate not exceeding six months in duration in order to bring the unit into compliance with this chapter.

(B) *Issuance.* The Occupancy Inspector shall issue a certificate for each dwelling, dwelling unit or rooming unit when upon inspection the Occupancy Inspector finds the unit meets or exceeds the minimum requirements set by this chapter, dwelling unit or rooming unit, when a variance has been granted by the Board of Adjustment; provided, however, it is found that no prohibited condition or practice 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 the unit or of the public. The certificate shall show the number of occupants for which the dwelling, dwelling unit or rooming unit is approved and once issued shall remain valid until expiration of the certificate or until the time as the Occupancy Inspector determines that the dwelling, dwelling unit or rooming unit does not meet the minimum requirements set by this chapter.

(C) *Renewals.* A housing certificate shall expire three 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.

(D) *Revocation.* A housing certificate may be suspended or revoked if failure to comply in accordance with this chapter.

(E) *Certificate fee.* A fee shall be charged for each dwelling unit or rooming unit of any rental property to be paid at the time of the application for any housing certificate. This fee shall be imposed for all new applications or in the case of renewal of certificates upon reapplication. The fee shall be determined by the schedule on file at the office of the City Administrator. This fee may be amended from time to time by the City Council by resolution.

(F) *Occupancy Inspector.* The Occupancy Inspector shall be the current Building Inspector for the city, Metro West Inspections. The Inspector may be changed from time to time by the City Council, by resolution.

(Ord. 253, passed 10-5-2005; Ord. 261, passed 5-7-2008)

#### BUILDING REQUIREMENTS

##### § 151.30 SPACE AND OCCUPANCY REQUIREMENTS.

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

(A) *Ceiling height.* At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet, including halls, excluding bathrooms and toilet compartments, measured to the lowest projection from the ceiling. No portion of the floor area where the ceiling height is less than seven feet may be considered as part of the floor area when computing for maximum permissible occupancy.

(B) *Floor area.*

(1) Every dwelling or dwelling unit shall contain at least 150 square feet of floor space for the first occupant and at least 100 additional square feet of floor space for each additional occupant; the total floor space to be calculated on the basis of total habitable room area. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor area. Every room occupied for sleeping purposes by two or more persons shall contain at least 40 square feet of floor area for each occupant thereof.

(2) Every rooming unit occupied for sleeping purposes by one person shall contain at least 70 square feet of floor area. Every rooming unit occupied for sleeping purposes by two or more persons shall contain at least 40 square feet of floor area for each occupant thereof.

(Ord. 253, passed 10-5-2005)

##### § 151.31 LIGHT AND VENTILATION.

(A) *Natural light and ventilation.* All habitable rooms within a dwelling unit shall be provided with natural light by means of exterior glazed openings with an area not less than 8% of the floor area of the rooms with a minimum of eight square feet. Ventilation shall be provided by openable exterior openings with an area of 4% of the floor area, with a minimum of four square

feet. Bathroom, water closet rooms and similar rooms shall be provided with natural ventilation by means of possible exterior openings with an area not less than 4% of the floor area of the rooms with a minimum of one and one-half square feet.

(B) *Source of light and ventilation.*

(1) Required exterior openings for natural light and ventilation shall open directly onto a street or alley or a yard or court or onto a roofed porch located on the same lot as the building.

(2) For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

(C) *Mechanical ventilation.* In lieu of required exterior openings for natural ventilation, a mechanical ventilation system may be provided. In bathrooms, water closet compartments and similar rooms without required natural ventilation, a mechanical ventilation system shall be provided which is capable of providing five air changes per hour.

(Ord. 253, passed 10-5-2005)

#### § 151.32 SANITATION REQUIREMENTS.

Sanitation facilities shall be installed and maintained in a safe and sanitary condition and shall be provided as hereinafter required.

(A) *Dwelling unit.* Each dwelling unit shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory and bathtub or shower.

(B) *Rooming unit.* Where a private water closet, lavatory and bathtub or shower are not provided, at least one bathroom accessible from a public hallway shall be provided. These facilities shall be provided for each multiple of eight persons or fractions thereof. When rooming units are provided in a private, owner occupied dwelling, including the owner's family, they may share the use of the facility, provided the facilities are shared by no more than the maximum number of persons allowed herein.

(C) *Kitchen.* Each dwelling unit shall be provided with a kitchen which shall be equipped with a sink of an approved non-absorbent material.

(D) *Fixtures.* All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water except water closets shall be provided with cold water only. All waste lines shall be connected to a sanitary sewer or an approved private sewage disposal system. All fixtures shall meet the applicable Building Code standards. The use of p-traps shall be required on all waste lines per the State Building Code.

(E) *Room separations.* Each water closet, bathtub or shower required by this chapter shall be installed in a room which will afford privacy to the user. A room in which a water closet is provided shall be separated from food-preparation rooms by a tight-fitting door.

(F) *Bathroom accessibility.* Where both facilities are shared by two or more rooming units, the bath shall not be so located that any occupant must pass through another occupant's room to use the facility.

(Ord. 253, passed 10-5-2005; Ord. 261, passed 5-7-2008)

#### § 151.33 MECHANICAL REQUIREMENTS.

(A) *Heating.* Every dwelling unit or rooming unit shall be provided with operating heating facilities capable of maintaining a room temperature of 68°F at three feet above the floor in the center of a habitable room and in bathrooms and water closet compartments. The facilities shall meet the applicable Building Code standards and shall be installed and maintained accordingly to meet the applicable Building Code standards. Unvented fuel burning heaters shall not be installed or used.

(B) *Ventilation.* Ventilation for rooms and areas and for fuel burning equipment shall be provided as required by the applicable Building Code standards. Where mechanical ventilation is

provided in lieu of the natural ventilation required by the applicable Building Code standards. The mechanical ventilation system shall be maintained in operation during the occupancy of any building or portion thereof.

(Ord. 253, passed 10-5-2005)

§ 151.34 ELECTRICAL REQUIREMENTS.

(A) All electrical wiring and appliances shall be of an approved type and shall be installed and maintained in a safe manner in accordance with applicable Building Code standards. Where additional lighting or outlets are required, installation shall meet the requirements of the applicable Building Code standards.

(B) Each habitable room shall be provided with not less than one ceiling or wall light or one switched outlet plus one duplex convenience outlet; or two duplex convenience outlets.

(C) Each bathroom, water closet compartment, laundry room and furnace shall be provided with no less than one electric light fixture or one convenience outlet.

(D) Public hallways, public stairs and other exit facilities shall be adequately lit and shall meet the applicable Building Code standards.

(Ord. 253, passed 10-5-2005)

§ 151.35 EXITS.

(A) Each dwelling or rooming unit shall have egress directly to the outside or to a common hallway with egress to the outside.

(B) Each sleeping room shall provide for emergency egress as required by the State Building Code.

(C) An exit shall not pass through a hazardous area. This shall include an area as a furnace room, boiler room or storage area.

(Ord. 253, passed 10-5-2005; Am. Ord. 321, passed 7-22-2015)

§ 151.36 FIRE PROTECTION.

(A) Smoke detectors shall be installed in accordance with the state's Building Code. The Occupancy Inspector may require additional smoke detectors where additional protection may be required.

(B) Doors located in a common hallway, not within a dwelling unit, shall be reasonably smoke and draft tight.

(C) Carbon monoxide detectors shall be installed in accordance with the state's Building Code for all existing single-family homes by 8-1-2008 and for multi-family or apartment-dwelling units by 8-1-2009. The Occupancy Inspector may require additional carbon monoxide detectors where additional protection may be required.

(Ord. 253, passed 10-5-2005; Ord. 261, passed 5-7-2008)

§ 151.37 SECURITY LOCKS.

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

(Ord. 253, passed 10-5-2005)

MODIFICATIONS; ENFORCEMENT

§ 151.50 MODIFICATIONS.

Whenever there is a practical difficulty involved in carrying out a provision of this chapter, the Occupancy Inspector shall grant a modification; provided, the Occupancy Inspector shall first find a particular reason which makes strict application of the provision impractical, and that the modification will not lessen the life safety, structural, stability or environmental health requirements.

(Ord. 253, passed 10-5-2005)

§ 151.51 APPEALS.

Where a requirement of this chapter would cause undue hardship of any kind, the owner or his or her representative or any person affected, may appeal a compliance order as prescribed herein. (Ord. 253, passed 10-5-2005)

§ 151.52 BUILDINGS NOT IN COMPLIANCE.

(A) Whenever the Occupancy Inspector has inspected any dwelling or dwelling unit and has found and determined that it is not in compliance with this chapter, he or she shall proceed as follows: He or she shall serve a written notice on the owner in person or by certified mail. The notice shall describe the property, the nature of the violation, the time in which compliance must be effected, and a copy of the section or sections of this chapter which prescribes the standards to be met. The notice shall also state that an appeal may be taken to the Board of Adjustment hereinafter established. The notice may contain such other and different information as the Occupancy Inspector believes will help the owner to remedy the violation.

(B) The Board of Adjustment shall consist of the Planning Commission meeting specially as the Board of Adjustment. The Board shall meet only for the purposes of hearing the appeals as required by this section. The Board shall be compensated as determined by resolution by the City Council from time to time. The Board shall keep minutes as to its activities and shall prepare written findings of any of its appeals. The Board shall tape record all testimony and evidence given to it in the course of appeals and shall retain a copy of the tape for 120 days following its decision.

(C) All appeals heard by the Board shall be conducted in open proceedings with full opportunity of all parties to be heard. The Board may hear and consider any evidence it deems appropriate. Any party to the proceedings may be represented by an attorney.

(D) Appeals shall be commenced by filing a written request with the City Administrator no later than 30 days from the date of the issuance of any order or citation by the Occupancy Inspector. The City Administrator shall give notice of the time and date the appeal is to be heard to the appellant, in writing, at least ten days prior to the hearing. The hearing shall be held within 45 days of the filing of the notice of appeal, and may be adjourned or continued from time to time in the discretion of the Chairperson of the Board.

(E) The Chairperson of the Board shall be in charge of the conduct of all hearings and shall have the power to insure that the hearings are conducted in an orderly fashion. It shall be the obligation of the Occupancy Inspector to set forth all of the facts and particulars of his or her determination at the hearing. Thereafter, any interested parties may present such evidence and information as is relevant. The Board shall then determine whether or not the decision of the Occupancy Inspector was justified under the circumstances.

(F) Upon obtaining the evidence and information presented through the Board, and no later than 60 days of the filing of the notice of appeal, the Board shall issue a written decision including findings of fact supporting their decision. Any party being aggrieved by the decision may make a further appeal to the City Council by filing with the City Administrator a written notice of their intention to appeal. The party shall then pay for the cost of preparing a transcript of the original hearing. Once payment is received and the transcript is prepared, the City Council shall hear the appeal upon the record as established without further evidence or hearing. The City Council may reverse the Board of Adjustment's decision only upon a finding that the Board has acted arbitrarily, capriciously or unreasonably under the circumstances. The City Council shall render its decision within 30 days following receipt of the transcript. The City Administrator shall give notice of the decision to all interested parties.

(Ord. 253, passed 10-5-2005; Ord. 261, passed 5-7-2008; Am. Ord. 296, passed 8-1-2012)

§ 151.53 INJUNCTIONS AGAINST ILLEGAL USE.

In case any basement, cellar, dwelling or dwelling unit, premises, rooming unit or rooming house is maintained or used or is proposed to be used in violation of this chapter or any

amendment or supplement thereto or contrary to any provision of any rule or regulation adopted by ordinance as herein provided, the city in addition to other remedies provided by law, may take appropriate action or proceedings to prevent the maintenance or use to restrain, correct or abate the violation.

(Ord. 253, passed 10-5-2005)

#### § 151.54 UNFIT DWELLINGS AND CONDEMNATION.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of the unfit dwellings or dwelling units shall be carried out in compliance with the following requirements.

(A) Any dwelling or dwelling unit which shall be found to be so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants shall be condemned as unfit for human habitation and shall be so designated and placarded by the Occupancy Inspector.

(B) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Occupancy Inspector, shall be vacated within a reasonable time as ordered by the Occupancy Inspector.

(C) No dwelling or dwelling unit condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and the placard is removed by the Occupancy Inspector. The Occupancy Inspector shall remove the placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(D) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in division (C) of this section.

(E) Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter.

(F) All costs incurred in locating and securing alternative housing for tenants of the rental property will be paid for by the landowner until the violations have been corrected. This includes, but is not limited to, all hotel, meal and customary costs associated with the temporary relocation.

(Ord. 253, passed 10-5-2005)

#### § 151.55 DISPUTES.

Any disputes between landlords and tenants will be resolved per the *Minnesota Landlord and Tenants Rights and Responsibilities Handbook*. A copy of this chapter and the *Minnesota Landlord and Tenants Rights and Responsibilities Handbook* shall be given to all tenants at time of rental by landlord, as required by state statute. The City Administrator shall be appointed as the contact person to handle questions and concerns of landlords and tenants.

(Ord. 253, passed 10-5-2005; Ord. 261, passed 5-7-2008)

#### § 151.56 VIOLATIONS.

The first violation by any owner of any of the provisions of this chapter within any 24-month period shall be considered a petty misdemeanor. Any subsequent conviction of an owner for any violation hereof, provided that it occurred within 24 months of any previous violation, shall be considered a misdemeanor.

(Ord. 253, passed 10-5-2005)

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