

Effective Date: March 7, 2006

Amendments: 10-16-07 **344A** / 04-05-11 **393A** / 11-18-14 **437A** / 01-20-15 (**Res 15-04**) /

**10.1.01. Codes adopted by reference.** The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes Chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this Ordinance, as the Building Code for the City of Cloquet. The Minnesota State Building Code is hereby incorporated in this Ordinance as if fully set out herein.

**10.1.02. Application, Administration and Enforcement.**

- A. The application, administration and enforcement of the Code shall be in accordance with the Minnesota State Building Code. The Code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, Subdivision 1, when so established by this Ordinance.
- B. The Code enforcement agency of the City of Cloquet shall be the Cloquet Planning Department. The Cloquet Planning Director, or his designated agent, shall be the Administrative Authority wherever the terms "Building Department" and "Administrative Authority" are used in the Code. The Administrative Authority shall be a Minnesota Certified "Building Official" as the term is defined by Minnesota statute 16B.65.

**10.1.03. Permits and Fees.**

- A. The issuance of permits and the collection of fees shall be as authorized in Minnesota statute 16B.62 subdivision 1.
- B. Building permit, plumbing permit, mechanical permit and grading permit fees shall be assessed for work governed by this Code in accordance with the fee schedule established by resolution as adopted from time to time by the City Council. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minnesota Statute 16B.70.
- C. **Fee refunds.** Permit fees are generally non-refundable. However, in the event that a project for which a permit has been granted is abandoned, the holder of a permit may apply for a refund of said fees, minus a 25% administrative handling fee. A request for a refund shall be in writing, shall state the reasons for such request and project abandonment, and must be filed within 180 days of the date of permit issuance. No refund of plan check fees will be granted for any project where said plan check has already been completed. Requests for refunds must be approved by the City Council in accordance with its normal payment process.

**10.1.04. Building Code Optional Chapters.**

- A. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 allows the City to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the Building Code for the City of Cloquet:

1. Chapter 1335, Floodproofing Regulations, parts 1335.0600 to 1335.1200.
2. Appendix Chapter J (Grading) of the 2006 International Building Code.

**10.1.05. Disclaimer Clause.** It is not the intention of the City of Cloquet to rely upon the City or its agents in any inspections, investigations or other activities related to the enforcement of this Ordinance. Individuals are expected to continue to exercise independent responsibility for their own protection and the protection of others. It is further not the intention of the City of Cloquet, through enactment of this Ordinance, to create any additional rights of action against the City.

**10.1.06. Violations and Penalties.** A violation of the Code is a misdemeanor (Minnesota statute 16B.69).

**Section 10.2: Driveways**

**10.2.01 Width.** The width of any useable driveway surface from curb to curb of all designated streets in the City which are at least Fifty (50) feet or more in width shall be Thirty-two (32) feet, excepting the streets or parts of streets which are used for business purposes. Those streets are presently Cloquet Avenue from 14th Street west to First Street; Broadway Street; Avenues A, B, and C from Broadway to Market Street; Arch Street from Avenue C north to Dunlap's Island; and Main Street and St. Louis Avenue on Dunlap's Island.

**10.2.02 Certain.** No person, corporation, partnership or firm shall erect a private driveway from his or her premises onto Cloquet Avenue between State Trunk Highway No. 33 and 18th Street, nor widen any existing driveway except as provided in this Section.

**Subd. 1 Existing Driveways.** Any existing public driveway (i.e. alley, street, public way, etc.) intersecting with Cloquet Avenue between T.H. #33 and 18th Street may be transferred into private ownership, and used as a driveway for private purpose, provided the following conditions shall be met:

- A. A petition which contains the signatures of 100% of the property owners whose property abuts the public driveway, and which requests the vacation of the public driveway and subsequent use for private driveway purposes, shall be submitted to the City Council and shall be considered in the same manner as a petition to vacate a public street, alley, or way; and,
- B. A finding shall be made that the transfer in ownership shall result in an overall improvement in vehicles/pedestrian traffic safety and circulation shall not result in additional maintenance or other costs to the City for the right-of-way segment in questions, shall have a beneficial relationship to applicable downtown development or improvement plans, if any, shall not increase the driveway width at the curb line, shall not reposition or realign the driveway unless it can be shown that an improvement in traffic safety and/or circulation shall be a direct benefit, and shall comply with any other factor which shall be found to be material to the case.

## Section 10.3: Housing Code

**10.3.01 Purpose.** The purpose of these code provisions regarding the regulation of housing in the City of Cloquet is to protect the public health, safety and welfare in buildings used for dwelling purposes as hereinafter provided by establishing minimum standards for basic equipment and facilities for light ventilation, space heating and sanitation, for safety from fire, for space use and location, and for safe and sanitary maintenance, for cooking equipment in all dwellings and multi-family dwellings now in existence.

**Subd. 1. Matters Covered.** The provisions of the Housing Code shall apply to all structures used for human habitation, which are now, or may become in the future, sub-standard with respect to structure, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions, and overcrowding, or otherwise may be deemed to constitute a menace to the safety, health or welfare of their occupants; except as provided in section 10.3.03 subdivision 4. The existence of such conditions, factors or characteristics adversely affect public safety, health and welfare and lead to the continuation, extension and aggravation of urban blight. Adequate protection of the public therefore, requires the establishment and enforcement of these minimum housing standards.

**Subd. 2. Travel Trailers and Mobile Homes.** All moveable units used for human habitation, and the areas, grounds or parcels on which they are located as provided in such other codes, laws or ordinances of the municipality applicable thereto, shall comply with the requirements of the Housing Code.

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

**Subd. 1. Approved** as applied to a material, device, or method of construction shall mean approved by the building official under the provisions of this code, or approved by other authority designated by law to give approval in the matter in question.

**Subd. 2. Basement.** A portion of the building partly underground but having less than half its clear height below average grade of the adjoining ground. (See cellars)

**Subd. 3. Building Code.** City ordinances as may be officially designated by the legislative body of the municipality for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

**Subd. 4. Building Official.** The official designated by the municipality to enforce building, zoning or similar laws and this code, or his/her duly authorized representative.

**Subd. 5. Cellar.** The portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

**Subd. 6. Dwellings.**

1. **One-family dwelling.** A building containing one dwelling unit with not more than five (5) lodgers or boarders.
2. **Two-family dwelling.** A building containing two (2) dwelling units with not more than five (5) lodgers or boarders per family, but not more than twenty (20) individuals.
3. **Multi-family apartment house.** A building containing more than two (2) dwelling units.
4. **Boarding house, lodging house, tourist house.** A building arranged or used for lodging with or without meals, for compensation, more than five (5) and not more than twenty (20) individuals.

5. Dormitory. A building arranged or used for lodging six (6) but not more than twenty (20) individuals and having common toilet and bathroom facilities.
6. Hotel. A building arranged or used for sheltering, sleeping, or feeding for compensation of more than twenty (20) individuals.

**Subd. 7. Dwelling unit.** One or more rooms arranged for the use of one (1) or more individuals living together as a single house-keeping unit, with cooking, living sanitary and sleeping facilities.

**Subd. 8. Enforcement Officer.** The official designated herein or otherwise charged with the responsibilities of administering this code or his/her authorized representatives.

**Subd. 9. Exterior Property Areas.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**Subd. 10. Extermination.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

**Subd. 11. Family.** A group of persons related by blood, marriage, or adoption within and including the degree of first cousins.

**Subd. 12. Garbage.** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**Subd. 13. Gross Floor Area.** The total area of all habitable space in a building or structure.

**Subd. 14. Habitable Room.** A room, or enclosed floor space arranged for living, eating, and sleeping purposes (not including bathrooms, water closet compartment, laundries, pantries, foyers, hallways and other accessory floor spaces.)

**Subd. 15. Infestation.** The presence, within or contiguous to a multi-family dwelling, dwelling unit, rooming house, rooming unit, or premises, of insects, rodents, vermin or other pests.

**Subd. 16. Motel.** For purposes of this code a motel shall be defined the same as a hotel.

**Subd. 17. Occupant.** Any person over one year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

**Subd. 18. Openable Area.** That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**Subd. 19. Operator.** Any person who has charge, care or control of a multi-family dwelling or rooming house, in which dwelling units or rooming units are let or offered for occupancy.

**Subd. 20. Owner.** The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possessions, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building; or their duly authorized agents.

**Subd. 21. Person.** An individual, firm, corporation, association or partnership.

**Subd. 22. Plumbing or Plumbing Fixtures.** Water heating facilities, water pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths, installed clothes washing machines, or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer, or vent lines.

**Subd. 23. Residence Building.** A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the building code.

**Subd. 24. Rooming House.** Any residence building, or any part thereof containing one or more rooming units, in which space is let by the owner or operator to more than five (5) persons who are not members of the family. (See dwellings -boarding houses)

**Subd. 25. Rooming Unit.** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes.

**Subd. 26. Rubbish.** Combustible and non-combustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartoons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar material.

**Subd. 27. Supplied.** Installed, furnished or provided by the owner or operator.

**Subd. 28. Ventilation.** The process of supplying and removing air by natural or mechanical means to or from any space.

1. Mechanical: Ventilation by power driven devices.
2. Natural: Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind driven devices.

**Subd. 29. Workmanlike.** Whenever the words “workmanlike, state of maintenance and repair” are used in this code, they shall mean that such maintenance and repair shall be made in a reasonable skillful manner.

**Subd. 30. Yard.** An open unoccupied space on the same lot with a building extending along the entire length of a street, or rear, or interior lot line.

**Subd. 31.** Whenever the words “multi-family dwelling”, “residence building”, “dwelling unit”, “rooming house”, “rooming unit”, or “premises” are used in this code they shall be construed as though they were followed by the words “or any part thereof”.

**10.3.03 Applicability.** Every portion of a building or premise used or intended to be used for residential purposes, except hotels and motels serving transient guests only, rest homes, convalescent homes, and nursing homes, shall comply with the provisions of this code irrespective of when such building shall have been constructed, altered, or repaired, except as hereinafter provided.

**Subd. 1. Application of Building Codes and Ordinances.** Any alterations to buildings, or changes of use therein, which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with applicable sections of the building codes and ordinances of the municipality.

**Subd. 2. Application of Zoning Law.** Nothing in this code shall permit the establishment or conversion of a multi-family dwelling in any zone except where permitted by the zoning law; nor the continuation of such non-conforming use in any zone except as provided therein.

**Subd. 3. Conflict with Other Ordinances.** Except as provided in subdivision 4, in any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this municipality existing on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail. In any case where a provision of this code is found to be in conflict with a provision of any other ordinance or code of this municipality existing on the effective date of this code, which establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this code shall prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this code.

**Subd. 4. Existing Buildings.** This code establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration, or use of buildings, equipment or facilities, except as provided in this section.

**Subd. 5. Existing Remedies.** Nothing in this code shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary.

**10.3.04 Environmental Requirements.** The provisions of this article shall govern the minimum conditions of property and buildings to be used for human occupancy. Every building or structure occupied by humans, except as exempted by section 10.3.03 subdivision 4, and the premises on which it stands shall comply with the conditions herein prescribed as they may apply thereto.

**Subd. 1. Exterior property Areas.** No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit for the purpose of living therein or premises which does not comply with the following requirements. The building official of the municipality shall cause periodic inspections to be made of dwelling premises to secure compliance with these requirements.

- A. **Sanitation.** All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.
- B. **Grading and Drainage.** All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.
- C. **Noxious Weeds.** All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.
- D. **Insect and Rodent Harborage.** Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises; except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.
- E. **Accessory Structures.** All accessory structures including detached garages shall be maintained structurally sound and in good repair.

**Subd. 2. Exterior Structure.** No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or multi-family dwelling, dwelling unit, rooming house, rooming unit, or portion thereof for the purpose of living therein; which does not comply with the following requirements:

- A. **Foundation, Walls and Roof.** Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents. All exterior surfaces shall be maintained free of loose, deteriorated or decayed materials, and all exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint which shall not be lead-based paint or by other protective covering or treatment, which shall be maintained in a neat and attractive manner according to the prevailing standards of the neighborhood or area in which the building shall be located.
1. **Foundations.** The foundation elements shall adequately support the building at all points.
  2. **Exterior Walls.** Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building.
  3. **Roofs.** The roof shall be structurally sound, tight, and have no defects which might admit rain; and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.
- B. **Stairs, Porches and Railings.** Stairs and other exit facilities shall be adequate for safety and shall comply with the following subsections:
1. **Structural Safety.** Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code and shall be kept in sound condition and good repair.
  2. **Handrails.** Where the building official deems it necessary for safety, every flight of stairs which is more than two (2) risers high shall have handrails which shall be located as required by the building code; and every porch which is more than two (2) risers high shall have handrails so located and of such design as required by the building code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.
- C. **Windows, Doors and Hatchways.** Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.
1. **Windows to be Glazed.** Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes.
  2. **Windows to be Tight.** Every window sash shall be in good condition and fit reasonably tight within its frame.
  3. **Windows to be Openable.** Every window, other than a fixed window shall be capable of being easily opened and shall be held in position by window hardware.
  4. **Door Hardware.** Every exterior door, door hinge, and door latch shall be maintained in good condition.
  5. **Doors to Fit in Frame.** Every exterior door, when closed shall fit reasonably well within its frame.



6. **Window and Door Frames to Fit in Wall.** Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling or multi-family dwelling.
  7. **Basement Hatchways.** Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the dwelling or multi-family dwelling.
  8. **Exit Doors.** Every door available as an exit shall be capable of being opened from the inside, easily and without the use of a key.
- D. **Screening.** Guards and screens shall be supplied for protection against rodent's and insects in accordance with the following requirements:
1. **Guards for Basement Windows.** Every basement or cellar window which is operable shall be supplied with corrosion resistive rodent proof shields of not less than No. 22 U.S. gage perforated steel sheets, or No. 20 B&S gage aluminum or No. 16 U.S. gage expanded metal or wire mesh screens, with not more than one-half (1/2) inch mesh openings; or with other material affording equivalent protection against the entry of rodents, including storm windows.
  2. **Insect Screens.** From June 1<sup>st</sup> to October 15<sup>th</sup> of each year every door opening directly from any dwelling or multi-family dwelling to the outdoors and every window or other outside opening used for ventilation purposes shall be supplied with a screen of not less than sixteen (16) mesh per inch and every swinging screen door shall have a self-closing device in good working condition, except that no such screens shall be required for a dwelling unit on a floor above the fifth floor.

**Subd. 3. Interior Structure.** No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, rooming unit, or portion thereof, for the purpose of living therein which does not comply with the following requirements.

- A. **Free from Dampness.** In every dwelling, multi-family dwelling, dwelling unit, rooming house, and rooming unit, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure as required by the building code.
- B. **Structural Members.** The supporting structural members of every dwelling and multi-family dwelling used for human habitation shall be maintained structurally sound; showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provisions of the building code.
- C. **Interior Stairs and Railings.** Stairs shall be provided in every dwelling, multi-family dwelling, rooming, and boarding house as required by the building code.
  1. **Maintained in Good Repair.** All interior stairs of every structure used for human habitation shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of the building code.

2. **Handrails.** Every stairwell and every flight of stairs which is more than two (2) risers high, shall have hand rails or railings located in accordance with the provisions of the building code. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustrade railings, capable of bearing normally imposed loads as required by the building code, shall be placed on the open portions of stairs, balconies, landings and stairwells.
- D. **Bathroom Floors.** Every toilet and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- E. **Sanitation.** The interior of every dwelling and multi-family dwelling used for human habitation shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, Garbage, and other refuse shall be properly kept inside temporary storage facilities as required under sections 10.3.05 Subd. 1 (D) & (E) of this Code.
- F. **Insect and Rodent Harborage.** Buildings used for human habitation shall be kept free from insect and rodent infestation, and where insects or rodents are found they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
1. **Extermination from Buildings.** Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests whenever infestation exists in two (2) or more of the dwelling units or in the shared or public parts of the structure.
  2. **Extermination from Single Dwelling Units.** The occupant of a dwelling unit in a dwelling or multi-family dwelling shall be responsible for such extermination within the unit occupied by him/her whenever his/her dwelling unit is the only unit in the building that is infested.
  3. **Responsibility of Owner.** Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling or multi-family dwelling in a rodent-proof condition, extermination of such rodents shall be the responsibility of the owner.

### 10.3.05 Space and Occupancy Requirements.

**Subd. 1. Basic Facilities.** No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling unit for the purpose of living, sleeping, cooking, or eating, therein which does not comply with the following requirements.

- A. **Sanitary Facilities.** The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe working conditions.
1. **Water Closet.** Every dwelling unit shall contain within its walls, a room, separate from the habitable rooms, which affords privacy and which is equipped with a water closet.
  2. **Lavatory.** Every dwelling unit shall contain a lavatory, which, when a closet is required, shall be in the same room with said water closet.

3. **Bathtub or Shower.** Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower.
  4. **Kitchen Sink.** Every dwelling unit shall contain a kitchen sink apart from the lavatory required under section 10.3.05 Subd. 1(A)4.
- B. **Water and Sewer System.** Every kitchen sink, lavatory basin, bathtub, or shower and water closet required under the provisions of Section 10.3.05 Subd. 1 (A) shall be properly connected to either a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.
1. **Water Heating Facilities.** Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water under this section. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory, basin, bathtub, shower, and laundry facility or other similar units, at a temperature of not less than 130 degrees Fahrenheit at any time needed.
- C. **Heating Facilities.** Every dwelling and multi-family dwelling shall have heating facilities and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained, and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of seventy (70) degrees Fahrenheit with an outside temperature of ten (10) degrees below zero (0). The owner shall maintain a minimum average room temperature of seventy (70) degrees Fahrenheit in all habitable rooms including bathrooms and toilet rooms when rented, at all times on the basis of ten (10) degrees below zero (0) outside.
1. **Operation of Heating Facilities and Incinerators.** Every heating or water heating facility and incinerator shall be installed and shall operate in accordance with the requirements of the building code or the air pollution control ordinances of the municipality.
- D. **Rubbish Storage.** Every dwelling, multi-family dwelling and dwelling unit shall be supplied with approved containers and covers for storage of rubbish, and the owner, operator or agent in control of such dwelling or multi-family dwelling shall be responsible for the removal of such rubbish.
- E. **Garbage Storage or Disposal Facilities.** Every dwelling, or multi-family dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility; which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit, or an incinerator unit, to be approved by the building official in the structure for the use of the occupants of each dwelling unit or an approved outside garbage can.

**Subd. 2. Installation and Maintenance.** No person shall occupy as owner-occupant, or let to another for the occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, or rooming unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the following requirements.

- A. **Facilities and Equipment.** All required equipment and all building space and parts in every dwelling and multi-family dwelling shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the building code.
1. **Maintained Clean and Sanitary.** All housing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.
- B. **Plumbing Fixtures.** In buildings and structures used for human habitation, water lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the municipality.
- C. **Plumbing Systems.** In buildings and structures used for human habitation, every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code of the municipality.
- D. **Heating Equipment.** Every space heating, cooking, and water heating device located in a dwelling or multi-family dwelling shall be properly installed, connected and maintained and shall be capable of performing the function for which it was designed in accordance with the provisions of the building code.
- E. **Electrical Outlets and Fixtures.** Every electrical outlet and fixture as required in section 10.3.05 Subd. 4 shall be installed, maintained and connected to the source of electrical power in accordance with the provisions of the building code or electrical code of the municipality.
1. **Correction in Defective System.** Where it is found, in the opinion of the building official, that the electrical system in a building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage or for similar reasons, he/she shall require the defects to be corrected to eliminate the hazard.

**Subd. 3. Occupancy Requirements.** No person shall occupy or let to another for occupancy, any dwelling unit for the purpose of living therein which does not comply with the following requirements.

- A. **Minimum Ceiling Heights.** Habitable rooms in existing building except as provided in section 10.3.03 Subdivision 4, shall have a clear ceiling height of not less than seven and one-third (7 1/3) feet, except that in attics or top half-stories the ceiling height shall be not less than seven (7) feet over not less than one-third (1/3) of the area when used for sleeping, study or similar activity. In calculating the floor area of such rooms only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.
- B. **Required Space in Dwelling Units.** Every dwelling unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first occupant, and one hundred (100) square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

- C. **Required Space in Sleeping Rooms.** In every dwelling unit, every room occupied for sleeping purposes by one (1) occupant shall have a minimum gross floor area of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof.
- D. **Access Limitation of Dwelling Unit to Commercial Uses.** No habitable room, bathroom or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes.
- E. **Location of Bath and Second Sleeping Room.** No residence building or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. No bathroom shall be so located that access thereto is solely through a kitchen.
- F. **Occupancy of Dwelling Units Below Grade.** No dwelling unit partially below grade shall be used for living purposes unless:
1. Floors and walls are watertight;
  2. Total window area, total openable area and ceiling height are in accordance with this code; and
  3. Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

**Subd. 4. Light and Ventilation.** No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house or rooming unit for the purpose of living therein which does not comply with the following requirements.

- A. **Natural Light in Habitable Rooms.** Every habitable room shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of the electrical code ordinance. Whenever walls or other portions of the structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.
- B. **Light in Non-Habitable Work Space.** Every laundry, furnace room, and all similar non-habitable work spaces located in a dwelling or multi-family dwelling shall have one (1) supplied electric light fixture available at all times.
- C. **Light in Public Halls and Stairways.** Every public hall and inside stairway in every dwelling or multi-family dwelling shall be adequately lighted at all times with an illumination of at least five (5) lumens per square foot in the darkest portion of the normally traveled stairs and passageways.

- D. **Electrical Outlets Required.** Where there is electric service available to the building or structure, every habitable room of a dwelling or multi-family dwelling shall contain at least two (2) separate and remote outlets, one (1) of which may be a ceiling or wall-type electric light fixture. In kitchens three (3) separate and remote wall-type electric convenience outlets or two (2) such convenience outlets and one (1) ceiling or wall-type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one (1) electric light fixture. In addition to the electric light fixture, in every bathroom and laundry room, there shall be provided at least one (1) electric outlet.
- E. **Adequate Ventilation.** Every habitable room shall have at least one (1) window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size required in section 10.3.05 subdivision 4(A), except where mechanical ventilation is provided.
- F. **Ventilation and Light in Bathroom and Water Closet.** Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by sections 10.3.05 subdivision 4(A) and (D), except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system.

**Subd. 5. Minimum Requirements for Fire Safety.** No person shall occupy as owner-occupant, or shall let to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, rooming unit, lodging house or lodging unit which does not comply with the applicable provisions of the fire prevention sections of building ordinances of the municipality and the following additional requirements for safety from fire.

- A. **Storage of Flammable Liquids Prohibited.** No dwelling, multi-family dwelling, dwelling unit, or rooming unit shall be located within a building containing any establishment handling, dispensing, or storing flammable liquids with a flash point of one hundred ten (110) degrees Fahrenheit or lower.
- B. **Cooking and Heating Equipment.** All cooking and heating equipment, components, and accessories in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health, and accident hazards.

All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances of the municipality applicable thereto. Portable cooking equipment employing flame is prohibited.

**Subd. 6. Responsibilities of Persons.** Occupants of dwellings, multi-family dwellings, and dwelling units, and owners or operators of rooming houses shall be responsible for maintenance thereof as provided in this code.

- A. **Cleanliness.** Every occupant of a dwelling unit shall keep that part of the dwelling unit and premises thereof which he/she occupies, controls, or uses, in a clean and sanitary condition.
- B. **Disposal of Rubbish.** Every occupant of a dwelling unit shall dispose of all his/her rubbish in a clean and sanitary manner by placing it in the rubbish containers required by section 10.3.05 Subdivision 1(D).

- C. **Disposal of Garbage.** Every occupant of a dwelling unit shall dispose of his/her garbage in a clean and sanitary manner by placing it in the garbage disposal facilities, or if such facilities are not available, by removing all non-burnable matter and securely wrapping such garbage and placing it in tight metal garbage storage containers as required by section 10.3.05 subdivision 1(E) of this code; or by such other disposal method as may be required by applicable laws or ordinances of the municipality.
- D. **Use and Operation of Supplied Plumbing Fixtures.** Every occupant of a dwelling unit shall keep the supplied plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.
- E. **Installation and Care of Plumbing Fixtures Furnished by Occupant.** Every plumbing fixture furnished by the occupant of a dwelling unit shall be properly installed and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

**Subd. 7. Rooming Houses.** Every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, shall comply with the provisions of every section of this code, except as provided in the following sections.

- A. **Water Closet, Hand Lavatory, and Bath Facilities.** At least one (1) water closet, lavatory basin, and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each four (4) rooms within a rooming house wherever said facilities are shared.  
  
All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.
- B. **Minimum Floor Area for Sleeping Purposes.** Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than three (3) persons shall contain at least fifty (50) square feet of floor area for each occupant thereof.
- C. **Bed Linen and Towels.** The operator of every rooming house shall supply bed linen and towels therein at least once each week, and prior to the letting of any room to another occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- D. **Shades, Drapes, etc.** Every window of every rooming unit shall be supplied with shades, drawn drapes, or other devices or material which when properly used will afford privacy to the occupant of the rooming unit.
- E. **Sanitary Conditions.** The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house; and he/she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.
- F. **Sanitary Facilities.** Every water closet, flush urinal, lavatory basin and bathtub or shower required by section 10.3.05 subd. 7(A) shall be located within the rooming house and within a room or rooms which:

1. Afford privacy and are separate from the habitable rooms;
2. Are accessible from a common hall and without going outside the rooming house or through any other room therein.

#### 10.3.06 Enforcement Authority.

**Subd. 1. Enforcement Officer.** It shall be the duty and responsibility of the building official of the municipality to enforce the provisions of the Housing Code as herein provided.

- A. **Coordination of Enforcement.** Inspection of premises and the issuing of orders in connection therewith under the provisions of this code shall be the exclusive responsibility of the building department of the municipality. Whenever, in the opinion of the building official it is necessary or desirable to have inspections of any condition by any other department he/she shall arrange for this to be done in such a manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors nor to multiple or conflicting or any violation under this code shall be issued without the approval of the building official and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved on the case in question.
- B. **Administrative Liability.** Except as may otherwise be provided by statute or local law or ordinance, no officer, agent or employee of the municipality charged with the enforcement of the Housing Code shall render him/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this code. No person who institutes or assists in the prosecution of a criminal proceeding under this code shall be liable to damages hereunder unless he/she acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any officer, agent, or employee of the municipality, as a result of any act required or permitted in the discharge of his/her duties under this code, shall be defended by the legal representative of the municipality until the final determination of the proceeding therein.

**Subd. 2. Inspections.** The building official shall make or cause to be made inspections to determine the conditions of the dwellings, multi-family dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the safety, morals, and welfare of the public under the provisions of this code. The building official is authorized to enter any dwelling, dwelling unit, multi-family dwelling, rooming house, or premises at any reasonable time for the purpose of performing his/her duties under this code. The owner, operator, or occupant of every dwelling, multi-family dwelling, dwelling unit, rooming unit, or the person in charge thereof, shall give the building official free access thereto and to all parts thereof and to the premises on which it is located at all reasonable times for the purposes of such inspection, examination and survey.

It shall be unlawful for any person to refuse entrance or impede an inspector or officer authorized under this code in the performance of his/her duties and every such inspector or officer shall have the right to enter, examine, and survey all premises, grounds, structures, dwellings, and multi-family dwellings and every part thereof at all reasonable times upon display of proper identification.

- A. **Access by Owner or Operator.** Every occupant of a dwelling unit or rooming unit shall give the owner or operator thereof, or his/her agent or employee, access to any part of such dwelling unit, rooming unit, or its premises, at reasonable times for the purpose of making such inspections, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.



**10.3.07 Condemnation.** Dwellings or multi-family dwellings shall be condemned as dangerous structures or unsafe for human habitation as herein provided.

**Subd. 1. Dangerous Structures.** If all or part of any building or structure (including among others a fence, billboard or sign) or the equipment for the operation thereof (including among others the heating plant, plumbing, electric wiring moving stairways, elevators and fire extinguishing apparatus) shall be found, in the opinion of the building official to be in an unsafe condition - dangerous to life, limb, or property, he/she shall proceed to have the same condemned pursuant to the applicable provisions of the ordinances of the municipality pertaining to unsafe structures, or of State Law.

**Subd. 2. Structures Unfit for Human Occupancy.** Whenever the building official finds that any dwelling or multi-family dwelling constitutes a hazard to the safety, health, or welfare of the occupants or to the public because it lacks maintenance; or is in disrepair, unsanitary, vermin - infested or rodent - infested; or because it lacks the sanitary facilities or equipment or otherwise fails to comply with the minimum provisions of this code, but has not yet reached such state of complete disrepair as to be condemned as a dangerous structure as herein provided, he/she may declare such dwelling or multi-family dwelling as UNFIT FOR HUMAN HABITATION and order it to be vacated. If any dwelling or multi-family dwelling or any part thereof is occupied by more occupants than permitted under this code, or was erected altered or occupied contrary to law, such dwelling or multi-family dwelling shall be deemed an unlawful structure and the building official may cause such dwelling to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation, as the case may be, has been made to conform to the law.

**Subd. 3. Notice.** Notice of the declaration of any building under the Housing Code as unfit for human habitation and order to vacate it shall be served as provided in the following sections. When the condition requires the removal or demolition of the building such notice shall be given as provided in State Statutes, or such other codes or ordinances of the municipality pertaining to unsafe buildings.

- A. **Posting of Notice.** Any dwelling or multi-family dwelling declared as UNFIT FOR HUMAN HABITATION shall be posted with a placard by the building official. The placard shall include the following:
1. Name of City;
  2. The name of the authorized department having jurisdiction;
  3. The chapter and section of the code under which it is issued;
  4. An order that the dwelling or multi-family dwelling when vacated must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn;
  5. The date that the placard is posted;
  6. A statement of the penalty for defacing or removal of the placard.
- B. **Form of Notice.** Whenever the building official has declared a dwelling or multi-family dwelling as unfit for human habitation, he/she shall give notice to the owner of such declaration and placarding of the dwelling or multi-family dwelling as unfit for human habitation. Such notice shall:
1. Be in writing;
  2. Include a description of the real estate sufficient for identification;
  3. Include a statement of the reason or reasons why it is being issued;
  4. State the time to correct the conditions;
  5. State the time occupants must vacate the dwelling units.
- C. **Service of Notice.** Service of notice to vacate shall be as follows:
1. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or

2. By depositing the notice in the United State Post Office addressed to the owner at his/her last known address with postage pre-paid thereon; or
  3. By posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated.
- D. **Removal of Placard or Notice.** No person shall deface or remove the placard from any dwelling or multi-family dwelling which has been declared or placarded as unfit for human habitation except by authority in writing from the building official.

**Subd. 4. Vacating of Declared Building.** Any dwelling or multi-family dwelling which has been declared and placarded as unfit for human habitation by the building official shall be vacated within a reasonable time as required by the building official, and it shall be unlawful for any owner or operator to let to any person for human habitation said dwelling, multi-family dwelling or dwelling unit; and no person shall occupy any dwelling or multi-family unit which has been declared or placarded by the building official as unfit for human habitation after the date set forth in the placard.

- A. **Occupancy of Building.** No dwelling or multi-family dwelling which has been declared or placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the building official. The building official shall remove such placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated.
- B. **Report of Notice to Vacate.** The building official shall furnish a copy of each notice to vacate a building to the health officer and the chief of the fire prevention bureau and any other designated official of the municipality concerned herewith.

#### 10.3.08 House, Building, and Lot Numbering.

**Subd. 1 Assignment.** All streets and avenues in the City shall be assigned numbers in accordance with the plan set forth in this Section

##### Subd. 2 Numbering Plan.

- A. For the purpose of numbering houses or lots on streets or avenues running in an easterly and westerly direction in the City, Broadway from Avenue A to Prospect Avenue shall be used as a base line and starting point and all numbers of houses and lots on streets or avenues running east and west from Broadway shall be designated by the street and number as designated on the official numbering map referred to in this Section as east or west of Broadway on the avenues or streets.
- B. For all streets and avenues running north and south, Cloquet Avenue from 18th Street to Broadway and Avenue "A" from Broadway to Chestnut Street and a prolongation of Avenue "A" from its intersection with Chestnut Street, following parallel with railroad tracks to the City limits, shall be used as base lines and starting points for numbering houses and lots on streets and avenues running north and south from Cloquet Avenue and Avenue "A." All houses and lots south of Cloquet Avenue from 18th Street to Broadway shall be numbered as South and all houses north of the Cloquet Avenue from 18th Street to Broadway shall be numbered as North.
- C. It shall be further provided that numbers shall be assigned to every 25 feet of lots fronting on all north and south streets and avenues and the even numbers shall be used on the southerly and easterly sides of streets and avenues. The odd numbers shall be used on the northerly and westerly sides in accordance with the map prepared by the City Engineer, which map shall be hereby designated and adopted as the official numbering map for the City.

**Subd. 3 Notice.** It shall be further provided that the City Administrator of the City shall give public notice of the adopting of the numbering maps, which the notice shall be published once each week for two (2) successive weeks in the official newspaper of the City. After the publication it shall be the duty of all owners and occupants of buildings upon the streets and avenues to obtain from the City Clerk the correct numbers of their respective buildings, and to cause correct numbers to be placed on their buildings in accordance with the numbering placed on the official map within sixty (60) days from the date of the publication of the last notice as provided in this Section. Numbers shall be on the house, building or lot in a way visible to the street posted. Numbers shall be at least 3-1/2" high and of a contrasting color to the background on which they are mounted.

**10.3.09 Violations.** Notice of violation shall be served upon the owner of record; provided that such notice shall be deemed to be properly served upon such owner if a copy thereof is delivered to him/her personally, or if not found, by leaving a copy thereof at his/her usual place of abode with a person of suitable age and discretion who shall be informed of the contents thereof, or by sending a copy thereof by mail to his/her last known address, or if the letter with the copy is returned showing it has not been delivered to him/her by posting a copy thereof in a conspicuous place in or about the dwelling affected by the notice.

**Subd. 1. Service of Notice.** Whenever the building official determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been or is a violation of any provision of this code, he/she shall give notice of such violation or alleged violation to the person or persons responsible therefor. Such notice shall:

- A. Be in writing;
- B. Include a description of the real estate sufficient for identification;
- C. Specify the violation which exists and the remedial action required;
- D. Allow a reasonable time for the performance of any act it requires.

**Subd. 2. Prosecution of Violation.** In case any violation order is not promptly complied with the building official may request the legal representative to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation, ordering him/her:

- A. To restrain, correct or remove the violation or refrain from any further execution of work;
- B. To restrain or correct the erection, installation, or alteration of such building;
- C. To require the removal of work in violation;
- D. To prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued; or
- E. To enforce the penalty provisions of this code.

**Subd. 3. Penalty for Violations.** Every person or corporation who shall violate any provision of this code shall be guilty of a misdemeanor. Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense.

**Subd. 4. Right to Appeal.** Any owner or person who is aggrieved with the ruling or decision of the enforcing officer in any matter relative to the interpretation or enforcement of any of the provisions of the Housing Code may appeal the decision in accordance with the provisions as set forth in Chapter 15 of the Code, Administrative Hearing Process.

**Section 10.4: Pipeline Safety Setback**

**10.4.01 Purpose.** The purpose of this Section shall be to increase public safety by requiring that any new development be safely set back from pipeline locations.

**10.4.02 Applicability.** This Section applies to new residential and other development. It shall not apply to development that has occurred or for which development permits have been issued before the effective date of this Code.

**10.4.03 Setback.** Buildings and places of public assembly subject to this Section shall not be constructed closer to the pipeline than the boundary of the pipeline easement.

**10.4.04 Variances.** Variance procedures adopted by the City under Minnesota Statutes shall apply.

**Section 10.5: Hazardous And Unsafe Structures**

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

**Subd. 1. Building** shall include any structure or part of a structure, including without limitation, residential structures, commercial structures, agricultural outbuildings (such as barns) and structures supporting signs.

**Subd. 2. Building Official** shall mean a state certified building official appointed by the City Council as the Building Official of the City.

**Subd. 3. Hazardous Building** shall mean any building which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment constitutes a fire hazard or a hazard to public safety or health. In addition, a hazardous building@ includes any building or structure which would be deemed unsafe@ under the provisions of this chapter.

**Subd. 4. Owner** shall mean those shown to be such on the records of the County Auditor.

**10.5.02 General Provisions.**

**Subd. 1.** When the existence of a hazardous building comes to the attention of the Building Official, the Building Official shall make an inspection of the building.

**Subd. 2.** Following the inspection the Building Official shall make an appropriate order for the elimination of the hazard created by the building. The order shall be in writing; recite the grounds upon which the Building Official concluded it was a hazardous building; specify the actions required to be taken to eliminate the hazard and provide a reasonable time for compliance with the order, which shall be no more than 30 days from the date of the order.

The order shall be mailed to the owner of the property on which the hazardous building is located by certified or registered mail.

**Subd. 3.** Following the expiration of the time specified in the order for compliance the Building Official shall re-inspect the building to determine whether the hazard has been eliminated.

**Subd. 4.** Should the order of the Building Official not be complied with within the time allowed, unless an appeal provided for in 10.05.04, hereof, is taken, the Building Official shall communicate such information to the City Council in writing.

**10.5.03 Failure to Comply with Order.** Should the order of the Building Official not be complied with within the time allowed, unless appeal provided for in 10.5.04, hereof, is taken, the City Council shall determine whether to proceed in accordance with the provisions of M.S. Sections 463.15 et seq, to prosecute the owner of the property on which the hazardous building is located for violating the provisions of this section hereof, to proceed in any other manner authorized by law or to proceed in any combination of the foregoing.

**10.5.04 Appeals.**

**Subd. 1.** Any person affected by any decision of the Building Official which is related to or made pursuant to this section may appeal therefrom to the Fire Code Appeal Board. An appeal may be taken by the affected party by serving the Building Official with written notice of intention to appeal the Building Official's decision within ten days after the affected party received knowledge or notice of the decision.

**Subd. 2.** The notice of appeal shall contain a complete statement of the matter in controversy, and, if from a refusal of to make ordered repairs, shall contain a guarantee of payment of all expenses of any tests made or ordered by the Fire Code Appeal Board. The notice shall be accompanied by a fee of which shall be established by resolution as adopted from time to time by the City Council and will be retained by the City.

**Subd. 3.** Any such appeal shall be subject to and shall be conducted in accordance with the appeal provisions as set forth.

**10.5.05 Limitation on Liability.** The City, the Building Official and/or any employee charged with the enforcement of this section shall not be liable for any damage that may occur to persons or property as a result of any act required of the Building Official or any employee of the City or by reason of any act or omission of the Building Official or any such employee.

**10.5.06 Violations and Penalties.** Any person who fails to comply with an order of the Building Official within the time allowed made pursuant to this Section shall be guilty of a misdemeanor. Each day or portion thereof during which such violation continues shall constitute a separate offense.

**Section 10.6: City Fire Code**

**10.6.01 Adoption of the International Fire Code.** That the City of Cloquet hereby adopts as the Fire Code for the City of Cloquet that certain document, three (3) copies of which are on file in the office of the Fire Chief of the City of Cloquet, being marked and designated as the International Fire Code, including Appendix Chapters A, B, C, D, E, F, and G as published by the International Code Council. That those provisions are specifically adopted for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Cloquet. That those provisions are incorporated in full by reference and contain provisions providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions, and terms of such International Fire Code, 2000 edition, published by the International Code Council. That a complete copy is on file in the office of the City of Cloquet and is hereby referred to, adopted and made part hereof as if fully set out in this section.

(Ordinance 299A, replacing 272A)

**10.6.02 Language Revisions.** The following sections of the International Fire Code are hereby revised to make it applicable to the City of Cloquet:

**Section 101.1.** Insert: City of Cloquet.

**Section 109.3.** Insert: Misdemeanor or administrative penalty as determined by the City Council from time to time; that is allowed by applicable law.

**Section 111.4.** Insert: A dollar amount which shall be established by resolution as adopted from time to time by the City Council.

**10.6.03 Geographic Limits.** That the geographic limits necessarily located within the City limits of the City of Cloquet referred to in certain sections of the 2000 International Fire Code are hereby established as follows:

**Section 3204.3.1.1** The limits referred to in Section 3204.3.1.1 of the International Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are hereby established as described in the UBC & IFC.

**Section 3204.2.9.5.1** The limits referred to in Section 3404.2.9.5.1 of the International Fire Code in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited, are hereby established as described in the UBC & IFC.

**Section 3406.2.4.4** The limits referred to in Section 3406.2.4.4 of the International Fire Code in which the storage of Class I and Class II liquids in above-ground tanks is prohibited, are hereby established as described in the UBC & IFC.

**Section 3804.2** The limits referred to in Section 3804.2 of the International Fire Code in which the storage of liquified petroleum gas is restricted for the protection of heavily populated or congested areas, are hereby established as described in the UBC & IFC.

**Section 10.7: Rental Housing Regulations**

**10.7.1 Purpose.** The city recognizes the need for an organized, systematic inspection program of residential rental housing within the City of Cloquet in order to ensure that rental dwelling units meet city and state housing safety, health, fire, building and zoning codes, and to provide a more effective system for compelling the correction of code violations and the proper maintenance of rental housing within the city. This registration program is intended to protect and promote the health, safety and general welfare of the entire community. Under these regulations inspections will be done on a complaint basis with inspection guidelines being spelled out in Section 10.7.7, and with enforcement to be made only against the owner of rental housing found to be in violation.

**10.7.2 Definitions.** For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Subd. 1. Dwelling unit** means any room or group of rooms located within residential housing and forming a separate single habitable unit intended for residential occupancy by a single family.

**Subd. 2. Family** means an individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or a group of not more than four persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

- A. For purposes of this article "related" shall be interpreted herein to include any owner of record and an owner's natural children, adopted children, foster children, spouse, other blood relations, any significant other and any other dependent minors, residing with that owner as a family unit; "significant other" means romantic partner;
- B. For purposes of this article "related" shall also be interpreted herein to include a tenant's natural children, adopted children, foster children, spouse, other blood relations, any significant other and any other dependent minors, residing with the tenant as a family unit; "significant other" means romantic partner.

**Subd. 3. Person** means any natural person, the person's heirs, executors, administrators, or assigns, and also includes a business entity such as a firm, partnership, company or corporation, or its successors or assigns, or the agent of any of the aforesaid.

**Subd. 4. Rental dwelling unit** means a dwelling unit occupied by a person or persons in the status of tenant(s), under the terms of a contract or lease, whether oral or written, whereby nonpayment of a periodic payment or nonperformance of a periodic service means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure or a statutory repossession procedure.

**Subd. 5. Rent** means any compensation given for use of the premises, either monetary or "in lieu of" payments, such as but not limited to utilities, upkeep, repair, or the provision of services, but does not include payment of shared housing by a family member.

**Subd. 6. Residential Housing** means any structure or building, or portion thereof, including a "manufactured home (mobile home)", containing at least one dwelling unit which is intended to be used for residential occupancy, and which includes bathroom and kitchen facilities permanently installed.

**Subd. 7. Tenant**, except as otherwise provided herein, means any person who occupies and uses as their primary residence a dwelling unit furnished to that person for payment of rent to another.



**10.7.3. Applicability and exceptions.**

**Subd. 1.** The provisions of this article shall apply to all residential housing occupied for rent and the rental dwelling units contained therein, including rented single-family dwellings and duplexes, manufactured homes, and rental dwelling units in owner-occupied dwellings.

**Subd. 2.** The provisions of this article shall not apply to jails, hospitals, parish houses, parsonages, manses and rectories, dwelling units in a cooperative or condominium building, hotels, motels, or facilities licensed by the State of Minnesota, nor to any dormitory owned and operated by an educational institution.

**10.7.4. Registration permit required.** No person shall occupy, allow to be occupied, or let to another for occupancy, any rental dwelling unit in the City of Cloquet, without first having obtained a registration permit from the city under the terms of this section. Dwelling units constructed or converted to rental usage after the effective date of this article shall not be occupied for human habitation prior to issuance of a registration permit by the city. An application for registration shall be made upon forms furnished by the city for such purpose and shall require the minimum information required under Section 10.7.5.

**10.7.5. Application for registration permit; register of occupancy.**

**Subd. 1.** The owner of each rental dwelling unit shall make written application to the city for registration of the rental dwelling unit(s). A new owner shall be required to register units within ten days after acquiring them. Application for registration shall be made upon forms furnished by the city and shall specifically set forth the following information:

- A. The name, address and telephone number of the owner of the rental dwelling unit(s); if an entity, the name of the entity, and the name, address, telephone number and email address of the president, chief manager, or managing partner; and the name, address, telephone number and email address of any property management company acting as landlord on their behalf.
- B. The street address of each rental dwelling unit.
- C. Number and types of rental dwelling units within a dwelling.
- D. The maximum number of occupants permitted for each rental dwelling unit.
- E. At least one name, emergency telephone number, and address of the person authorized to make or order made repairs and/or services to the building as required and necessary to protect the health, safety and welfare of the occupants, or who is able to contact the person so authorized.
- F. A site drawing showing designated off-street parking areas for each existing rental dwelling unit, which areas comply with the city's off-street parking requirements.

**Subd. 2.** Every permit holder, or their resident agent, shall maintain a current register of all tenants and other persons with a lawful right of occupancy to each rental dwelling unit. The register shall be kept current at all times and shall be provided for inspection by the city within a reasonable time.

**Subd. 3.** The city shall be promptly notified of any change of the resident agent, and any change in the names, addresses, and other information concerning the persons listed in the last registration application filed with the city. A window sticker will be provided.

**10.7.6. Posting of registration.** Each registration permit issued by the city shall be displayed in a conspicuous spot near the front entrance of a single unit rental dwelling, or in a public corridor, hallway or lobby of residential housing containing multiple rental dwelling units, and shall be visible to all residents. Only one registration need be posted for each separate apartment building.

**10.7.7. Performance Requirements and Acceptability Standards.** Below are the performance requirements and acceptability criteria that will be evaluated during an inspection. A discussion of how inspectors should interpret the requirements and tenant preference options follows.

**Subd. 1.** Sanitary Facilities.

A. Performance Requirement

1. The dwelling unit must include sanitary facilities within the unit.
2. The sanitary facilities must be in proper operating condition and be adequate for personal cleanliness and disposal of human waste.
3. The sanitary facilities must be usable in privacy.
4. A shared bathroom is permitted in a boarding house situation.

B. Acceptability Criteria

1. The bathroom must be located in a separate room and have a flush toilet in proper operating condition.
2. The unit must have a fixed basin (lavatory) with a sink trap and hot and cold running water in proper operating condition.
3. The unit must have a shower or tub with hot and cold running water in proper operating condition.
4. The facilities must utilize an approved public or private disposal system, including a locally approved septic system.

C. Related Inspections for Sanitary Facilities.

1. The bathroom must be contained within the dwelling unit, afford privacy (usually meaning a door, although no lock is required), and be for the exclusive use of the occupants.
2. All public or private waste disposal systems servicing the unit or facilities must be either state or local agency approved.
3. The tub/shower, toilet, and basin/lavatory must have a proper sewer trap, drain, and vents to prevent the escape of sewer gases or severe leakage of water. Drains must not be clogged and the toilet must flush. Hot and cold water must be available at the tub, shower, and lavatory taps. The definition of hot water (temperature) required at the lavatory, tub, or shower should be determined from local health standards or applicable local code.
4. The inspector must determine if the bathroom facilities are free of hazards, such as damaged or broken fixtures and plumbing leaks, which may endanger the occupants.

## EXAMPLE:

What are bathroom hazards that may endanger occupants?

- Broken ceramic, metal, or glass fixtures that may pose a hazard. This includes towel racks, soap dishes, medicine cabinets, and mirrors as well
- A leaking hot water faucet may pose a scalding threat.

5. Only one bathroom is required to meet these requirements. Additional bathrooms do not have to contain all plumbing fixtures (tub/shower, toilet or lavatory), but if present, they must not create any unsanitary conditions, be properly plumbed, and be free of sewer gases.
6. Other room standards that apply to bathroom facilities, such as illumination and electricity, are discussed under those performance requirements.

**Subd. 2. Food Preparation and Refuse Disposal.**

## A. Performance Requirement.

1. The dwelling unit must have suitable space and equipment to store, prepare, and serve food in a sanitary manner.

## B. Acceptability Criteria.

1. The dwelling unit must have an oven and a stove or range. A microwave oven may be substituted for a tenant-supplied oven and stove or range. A microwave may be substituted for an owner-supplied oven and stove or range if the tenant agrees and microwave ovens are furnished to both subsidized and unsubsidized tenants in the same building or premises. On gas stoves no pilot light is allowed; they must be electronic ignition.
2. The dwelling unit must have a refrigerator supplied by either the owner or tenant.
3. All required equipment must be in proper operating condition. According to the lease, equipment may be supplied by either the owner or the tenant.
4. The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approved public or private system.
5. The dwelling unit must have space for storage, preparation, and serving of food.
6. Facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary, are required.

C. Related Inspections for Food Preparation and Refuse Disposal.

1. Hot plates are not acceptable substitutes for stoves or ranges. The oven must heat and all burners on the stove or range must work. All stove or range knobs must be present. The stove or range must be free of hazardous gas hook-ups, gas leaks, or electrical hazards.

EXAMPLE:

What temperature must a refrigerator maintain to keep food from spoiling?

Above 32° F, but generally below 40° F.

Consider how often the refrigerator will be opened. Proper temperatures are difficult to maintain if the refrigerator is frequently opened during warm weather, door seals are removed or broken, or the door sits open.

2. The sink must have hot and cold running water from the faucets and a proper working sink drain with gas trap. It must also be hooked to an approved water and sewer system.
3. Space for storage, preparation, and serving of food must be present. Built-in space, equipment, table(s), or portable storage facilities are acceptable.
4. Waste and refuse storage facilities are determined by local practice and may include trash cans or dumpster facilities.
5. Other room standards apply to the food preparation area and are discussed under those specific requirements below.

**Subd. 3. Space and Security.**

A. Performance Requirement.

1. The dwelling unit must provide adequate space and security for the tenant.

B. Acceptability Criteria.

1. At a minimum, the dwelling unit must have a living room, a kitchen and a bathroom, except in a boarding house.
2. The dwelling unit must have at least one bedroom or living/sleeping room for every two persons. Other than very young children (up to age 5), children of opposite sex may not be required to occupy the same bedroom or living/sleeping room.
3. Dwelling unit windows that are accessible from the outside must be lockable.
4. Exterior doors to the unit must be lockable with a deadbolt.

C. Related Inspections for Space and Security.

1. A living room may be used as sleeping (bedroom) space, but no more than two persons may occupy the space.
2. Unit windows located on the first floor, at the basement level, on a fire escape, porch, or other outside space that can be reached from the ground and that are designed to be opened must have a locking device. (Windows with sills less than six feet off the ground are considered accessible.) Traditional window locks, those provided by storm/screen combination windows, window pins, and nails are acceptable. Windows leading to a fire escape or required to meet ventilation requirements may not be permanently nailed shut.
3. Doors leading to the outside and common hallways must be equipped with a deadbolt; fire escapes, porches and other openings accessible from the ground must have locks. No specific type of lock is required.
4. Window and door surfaces (including the door frame) must be in sufficient condition to support the installation and proper operation of window and door locks.

**Subd. 4. Thermal Environment.**

A. Performance Requirement.

1. The dwelling unit must be able to provide a thermal environment that is healthy for the human body.

B. Acceptability Criteria.

1. There must be a safe system for heating the dwelling unit, such as electric baseboard, radiator, or forced air systems. In order to ensure a healthy living environment appropriate for the climate the system must be able to provide adequate heat either directly or indirectly to each room.
2. The heating system must be in proper operating condition.
3. The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.

C. Related Inspections for Thermal Environment.

1. The inspector must define "a healthy living environment" for the local climate. Local or state codes will help the inspector determine when and how much heat is adequate. For example, an inspector may define a heating system capable of maintaining an interior temperature of 65° between October 1 and May 1 as adequate.
2. Adequate heat is required in all rooms used for living; the heat source does not have to be located in each room as long as the heat can pass to the appropriate space and meet the definition of adequate. Portable electric room heaters or kitchen stoves with built-in heating units are not acceptable as a primary source of heat for units.

3. Improper operating conditions, including all conditions that may be unsafe, such as broken or damaged source vents, flues, exhausts, gas or oil lines that create a potential fire hazard or threats to health and safety are not permitted. Heating unit safety devices must be present, and the heating equipment must have proper clearance from combustibles and location of oil storage tanks. There must be proper gas and oil connections. Local plumbing, fire, or mechanical codes are instructive in providing details about acceptable materials for furnace and water heater hookups and required clearances. Seek assistance from local code enforcement offices to determine health and safety standards for equipment hook-up and clearance requirements.
4. Heating system inspections are often required by local or state authorities, especially for large multi-family buildings. If the heating system has passed inspection from the inspecting authority within the past two years, the inspector may accept this as proof of heating equipment safety.
5. Working cooling equipment refers to a central ventilation system, evaporative cooling system, room or central air conditioning. These systems are not required, but if present, must be operating safely so as not to create a potential fire hazard or other threat to health and safety.

**Subd. 5. Illumination and Electricity.**

- A. Performance Requirement.
  1. Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants.
  2. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances.
  3. Electrical fixtures and wiring must not pose a fire hazard.
  4. GFI's must be installed in all kitchens, bathrooms and by any water outlet.
- B. Acceptability Criteria.
  1. There must be at least one egress window in the living room and in each sleeping room.
  2. The kitchen area and the bathroom must have a permanent ceiling or wall-mounted fixture in proper operating condition.
  3. The kitchen must have at least one electrical outlet in proper operating condition.
  4. The living room and each sleeping space must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

C. Related Inspections for Illumination and Electricity.

1. The inspector must be satisfied that the electrical system is free of hazardous conditions, including: exposed, uninsulated, or frayed wires, improper connections, improper insulation or grounding of any component of the system, overloading of capacity, or wires lying in or located near standing water or other unsafe places.
2. Outlets must be properly installed in the baseboard, wall, or floor. Hanging light fixtures or outlets from electric wiring, missing cover plates on switches and outlets, badly cracked outlets or cover plates, exposed fuse box connections and overloaded circuits are unacceptable.

**Subd. 6. Structure and Materials**

A. Performance Requirement.

1. The dwelling unit must be structurally sound.
2. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.

B. Acceptability Criteria.

1. Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.
2. The roof must be structurally sound and weather-proof.
3. The foundation and exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, large holes, or defects that may result in air infiltration or vermin infestation.
4. The condition and equipment of interior and exterior stairs, halls, porches, and walkways must not present the danger of tripping and falling.
5. Elevators must be working safely.

C. Related Inspections for Structure and Materials.

1. The inspector must examine each of the elements listed in the acceptability criteria to determine that each is structurally sound, will not collapse, and does not present a danger to residents through falling or missing parts, or tripping hazards. The inspector must determine that the unit is free from water, excessive air, and vermin infiltration.
2. Handrails are required when four or more steps (risers) are present, and protective railings are required when porches, balconies, and stoops are thirty inches off the ground.
3. The elevator servicing the unit must be working. A current city or state inspection certificate suffices to determine working condition of the elevator.

4. Manufactured homes must have proper tie-down devices capable of surviving wind loads common to the area.

**Subd. 7. Interior Air Quality.**

- A. Performance Requirement.
  1. The dwelling unit must be free of air pollutant levels that threaten the occupants' health.
- B. Acceptability Criteria.
  1. The dwelling unit must be free from dangerous air pollution levels from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.
  2. There must be adequate air circulation in the dwelling unit.
  3. Bathroom areas must have one openable window or other adequate ventilation.
  4. Any sleeping room must have at least one window. If the window was designed to be opened, it must be in proper working order.
- C. Related Inspections for Interior Air Quality.
  1. The inspector must be satisfied that air pollutants such as gas leaks, industrial outputs, and heavy traffic would not present a health hazard.
  2. Air circulation should be checked to determine adequate ventilation. Air conditioning (A/C) provides adequate circulation as do ceiling and vent fans.
  3. The windows must adequately protect the unit's interior from the weather. Windows designed to open must not be painted or nailed shut. The ventilating bathroom fan in the bathroom must operate as intended.

**Subd. 8. Water Supply**

- A. Performance Requirement.
  1. The water supply must be free of contamination.
  2. Testing of well water is required yearly.
- B. Acceptability Criteria.
  1. The dwelling unit must be served by an approved public or private water supply that is sanitary and free from contamination.
- C. Related Inspections for Water Supply.
  1. The inspector should be satisfied that the water supply is approved by the State or local jurisdiction.
  2. Clean water must be distributed to all unit fixtures and waste water must leave the unit to an approved area without presence of sewer gas and backups.



3. Plumbing fixtures and pipes must be free of leaks and threats to health and safety.
4. Water-heating equipment must be installed safely and must not present any safety hazards to families. All water heaters must be free of leaks, have temperature/pressure relief valves, and a discharge line. Unless safety dividers or shields are installed, water heaters must not be located in bedrooms or living areas where safety hazards may exist. Fuel-burning equipment must have proper clearance from combustible materials and be properly vented.

**Subd. 9. Lead-Based Paint.** The Lead-Based Paint Poisoning Prevention Act as amended (42 U.S.C. 4821 - 4846) and the Residential Lead-Based Paint Hazard Reduction Act of 1992 and implementing regulations 24 CFR Part 35 Subparts A, B, M, and R apply to the housing choice voucher program.

A. Acceptability Criteria.

1. The requirements apply to dwelling units built prior to 1978 that are occupied or can be occupied by families with children under six years of age, excluding zero bedroom dwellings.
2. During initial and annual inspections of pre-1978 units that are occupied or will be occupied by families with children under six years of age, the inspector must conduct a visual assessment for deteriorated paint surfaces and the owner must stabilize deteriorated surfaces. Applicable areas include painted surfaces within the dwelling unit, exterior painted surfaces associated with the dwelling unit, and common areas of the building through which residents must pass to gain access to the unit and areas frequented by resident children under six years of age, including play areas and child care facilities.
3. For units occupied by environmental intervention blood lead level (lead poisoned) children under six years of age, a risk assessment must be conducted (paid for by the building owner), and the owner must complete hazard reduction activities if lead hazards are identified during the risk assessment.

**Subd. 10. Access**

A. Performance Requirement.

1. Use and maintenance of the unit must be possible without unauthorized use of other private properties.
2. The building must provide an alternate means of exit in case of fire.

B. Acceptability Criteria.

1. The unit must have private access.
2. In case of fire, the building must contain an alternate means of exit such as fire stairs, or windows, including use of a ladder for windows above the second floor.

C. Related Inspections for Access.

1. The inspector must determine that the unit has private access without unauthorized passage through another dwelling unit or private property.

2. The emergency (alternate) exit from the building (not the unit) may consist of fire stairs, a second door, fire ladders, or exit through windows. The emergency exit must not be blocked. It must be appropriate for the family and considered adequate by local officials. Guidance from the local fire agency is advisable.

**Subd. 11. Sanitary Condition.**

- A. Performance Requirement.
  1. The dwelling unit and its equipment must be in sanitary condition.
- B. Acceptability Criteria.
  1. The dwelling unit and its equipment must be free of vermin and rodent infestation.
- C. Related Inspections for Sanitary Condition.
  1. The inspector must ensure that the unit is free of rodents and heavy accumulations of trash, garbage, or other debris that may harbor vermin. Infestation by mice, roaches, or other vermin particular to the climate must also be considered. The unit must have adequate barriers to prevent infestation.

**Subd. 12. Smoke and Carbon Monoxide Detectors.**

- A. Performance Requirements.
  1. At least one battery-operated or hard-wired smoke detector in proper operating condition must be present on each level of the dwelling unit, including basements but excluding crawl spaces and unfinished attics.
  2. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standards (NFPA) 74 or its successor standards.
  3. If a hearing-impaired person is occupying the dwelling unit, the smoke detectors must have an alarm system designed for hearing-impaired persons as specified in NFPA 74.
  4. All units shall have an approved carbon monoxide alarm within 10 feet of each sleeping room. Carbon monoxide alarms must either be hardwired into the electrical wiring, directly plugged into a non-switched outlet or battery powered.
- B. Acceptability Criteria.
  1. The inspector must ensure that the location of smoke and carbon monoxide detectors conforms with local and/or State Fire Marshall's requirements.
  2. The inspector must determine that smoke and carbon monoxide detectors are located and installed in accordance with NFPA Standards. All smoke and carbon monoxide detectors must be in operating condition.

C. Related Inspections for Smoke and Carbon Monoxide Detectors.

1. Local codes, such as housing or fire codes, often address responsibilities between owners and tenants for installation and maintenance of smoke detector batteries. At initial inspection smoke detectors must have good batteries and be operable. The inspector may follow local codes to determine if missing or dead smoke detector batteries constitute a tenant or owner-caused failure in occupied units.
2. Consultation with the local fire officials is recommended regarding acceptable types and location of smoke detectors.