City Council Agenda
City Council - Study Session
March 9, 2026
3:30 p.m.

Attending and Viewing the Meeting:
Attend the Meeting in Person: Government Center Council Chamber, 151 4th Street SE
View Meeting: Cable TV on Channels 180 or 188
Watch & Listen via YouTube: City of Rochester, MN - YouTube

If you require a reasonable accommodation to fully participate in the City Council meeting, please complete our reasonable accommodations form at least 2 business days prior to the Council meeting. You can also reach the City Clerk's Office via email (cityclerk@rochestermn.gov), telephone (507-328-2900), or TTY/TDD (507-328-2900) to discuss your accessibility needs.

A. Presentation Items

A.1. **Spongy Moth Management in Rochester - Minnesota Department of Agriculture**

A.2. **Supporting Transformation Update**

A.3. **Housing Code Update**

A.4. **Any Path Home Program Update**

A.5. **Study Session Schedule**

A.1

REQUEST FOR ACTION

Spongy Moth Management in Rochester - Minnesota Department of Agriculture

MEETING DATE:
March 9, 2026

ORIGINATING DEPT:
Parks & Recreation

AGENDA SECTION:
Presentation Items

PRESENTER:
John Larson - MDA

Report Narrative:

This presentation will be delivered to City Council by the Minnesota Department of Agriculture staff. Spongy Moth has been detected in the Rochester area. The MDA is planning mitigation efforts in Rochester and surrounding areas. MDA will explain the problem and their mitigation efforts and entertain questions City Council members may have about the topic.

Priorities & Foundational Principles:

Public Safety

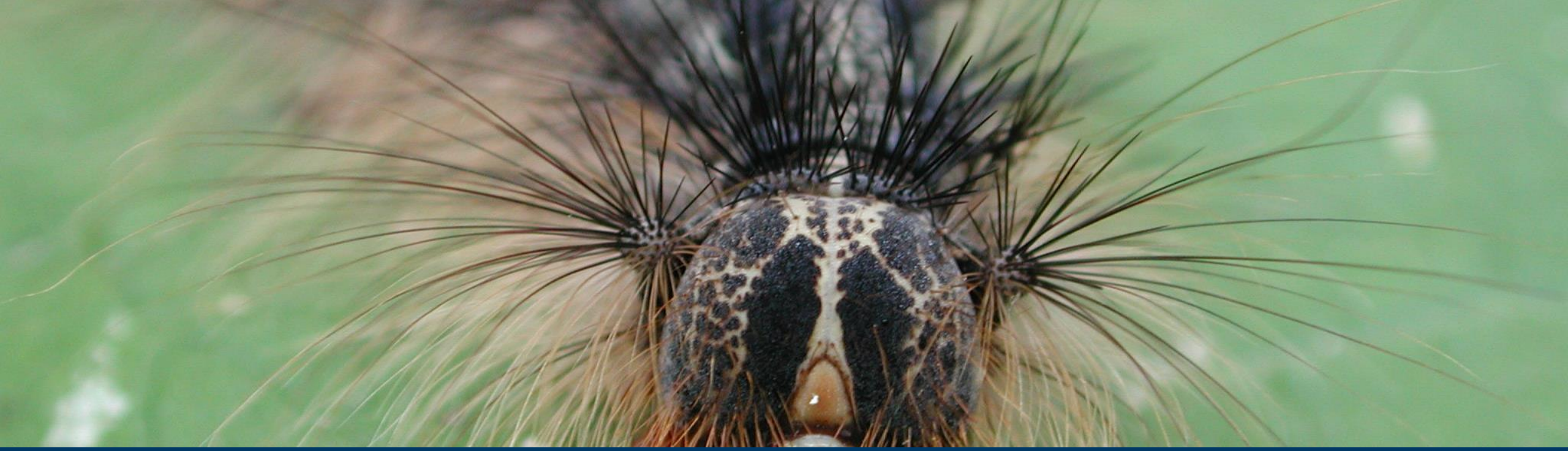
Prepared By:

Jeff Haberman

Attachments:

Presentation - DNR Spongy Moth Management

Maps - Olmsted County / City of Rochester



2026 Proposed Spongy Moth Management

Kimberly Thielen Cremers

Plant Pest Regulatory and Mitigation Section Manager

Slow the Spread Foundation President

John Larsen

Interim Spongy Moth Treatment Coordinator

DEPARTMENT OF AGRICULTURE



Background



What is Spongy Moth?

- *Lymantria dispar*
- Native to Europe, N. Africa, S. Asia and Japan
- First introduced to US in 1869
- Trapping in MN since 1973 and treatments since 1980
- Each caterpillar consumes 1 m^2 leaves in its lifetime



300 Species of Trees and Shrubs



Widespread Defoliation

Human Impacts



Health Concerns



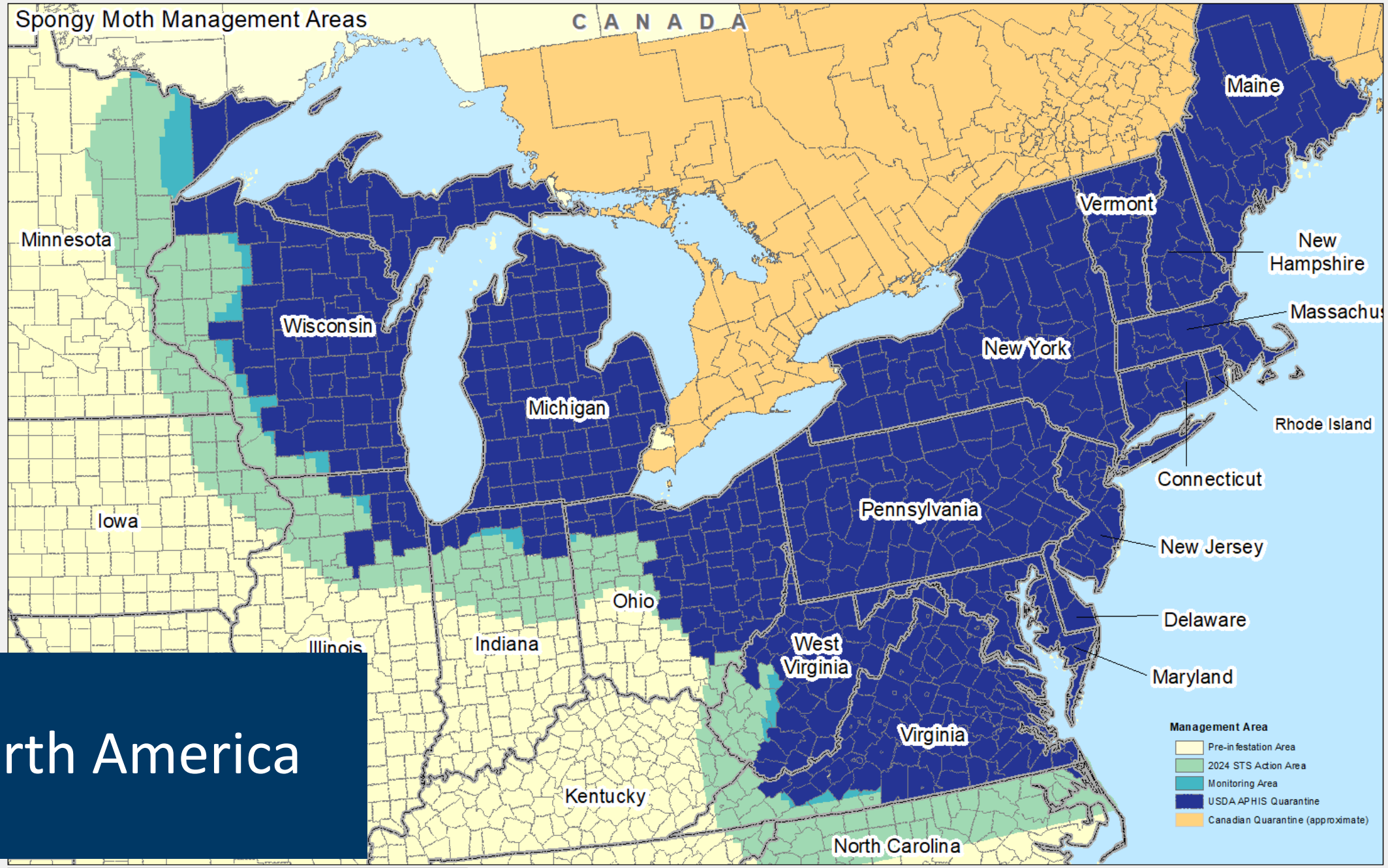
Property Value Impacts



Nuisance



Quarantine



North America

Quarantine Information Source: https://www.aphis.usda.gov/aphis/maps/plant-health/european-gypsy-moth-quarantine
https://inspection.canada.ca/plant-health/invasive-species/directives/forest-products/d-96-09/appendix-1/eng/1343832991660/1343834043533

Minnesota Department of Agriculture - Plant Protection Division (Updated: 1/12/2024)





Female

- Cannot fly
- Larger
- Simple antennae
- Cannot be trapped

Male

- Flies
- Can be trapped, lured with pheromone
- Feathered antennae

Human Assisted Dispersal



Firewood



Household Moves



Outdoor Equipment



Tourism

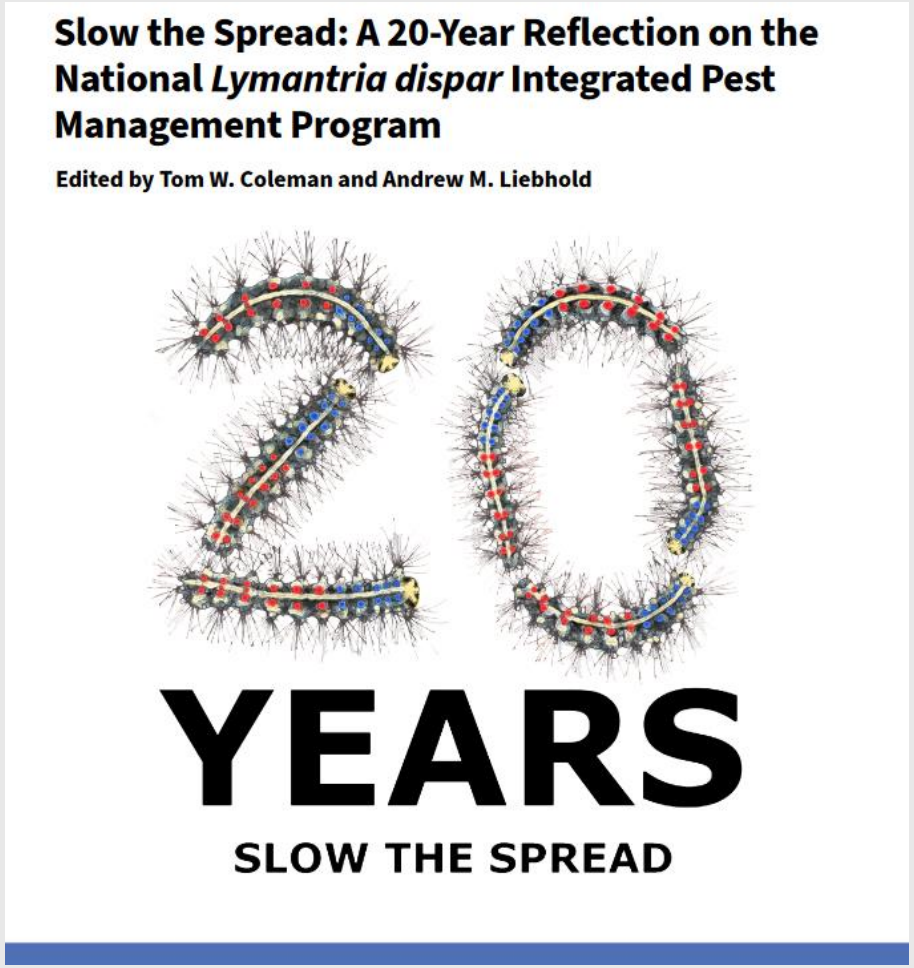


Industry



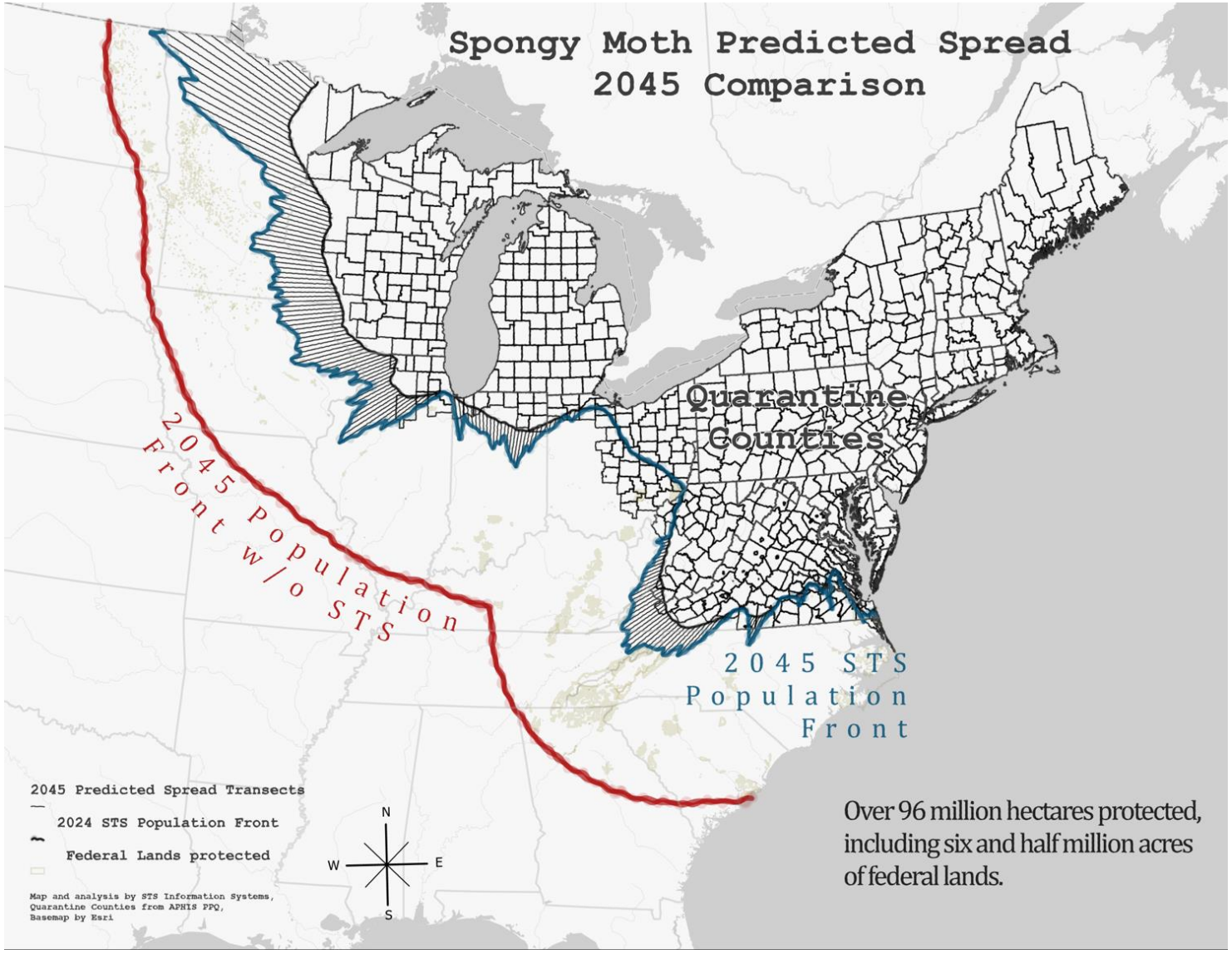
Visitors From Quarantine Areas

Slow the Spread

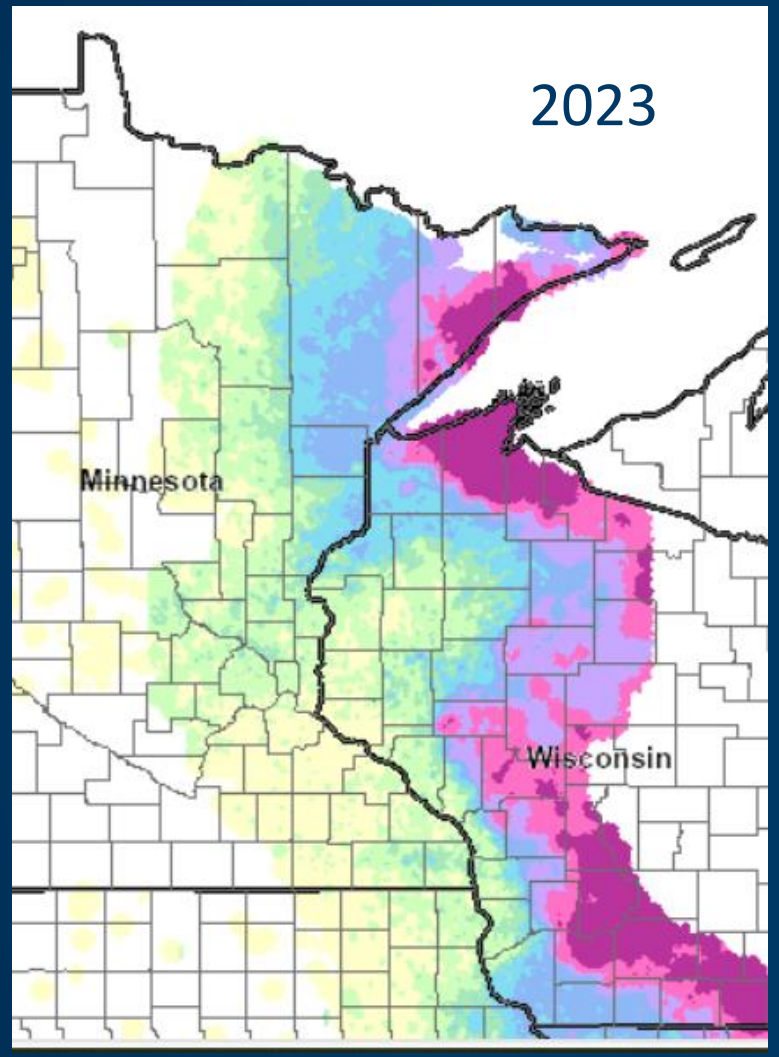


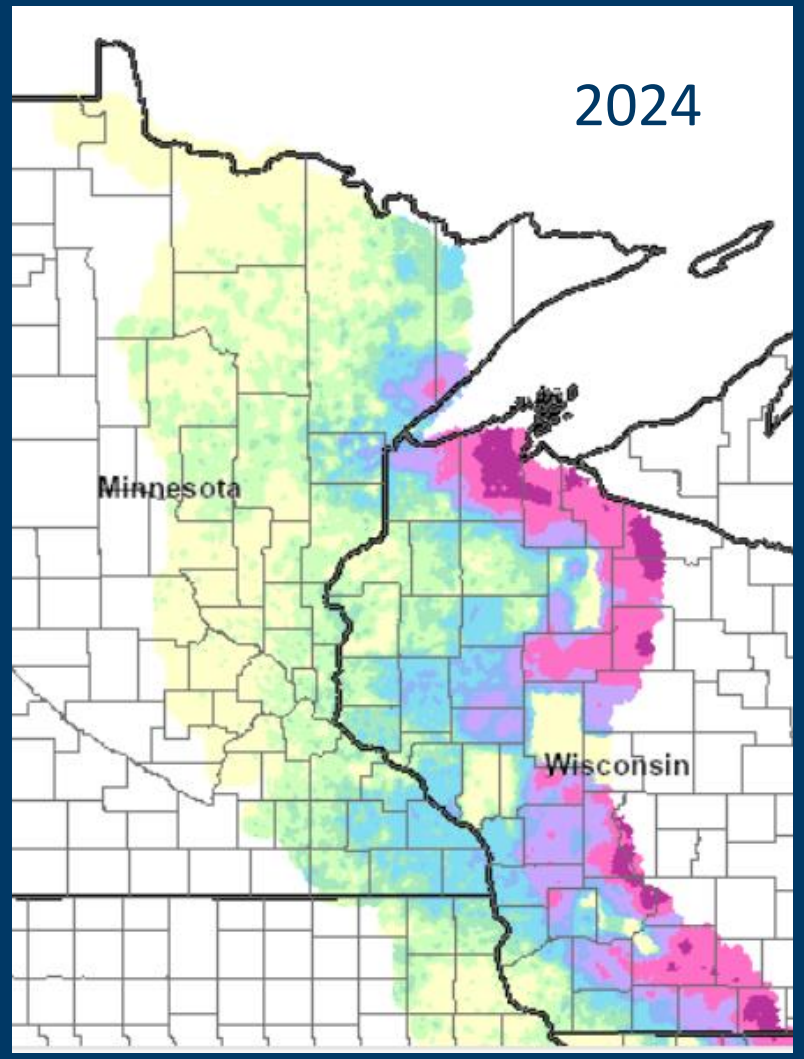
- Partnership between the US Forest Service and 10 states (including Minnesota) to slow the spread of spongy moth in North America by 60%
- Have consistently met and exceeded these expectations throughout our history

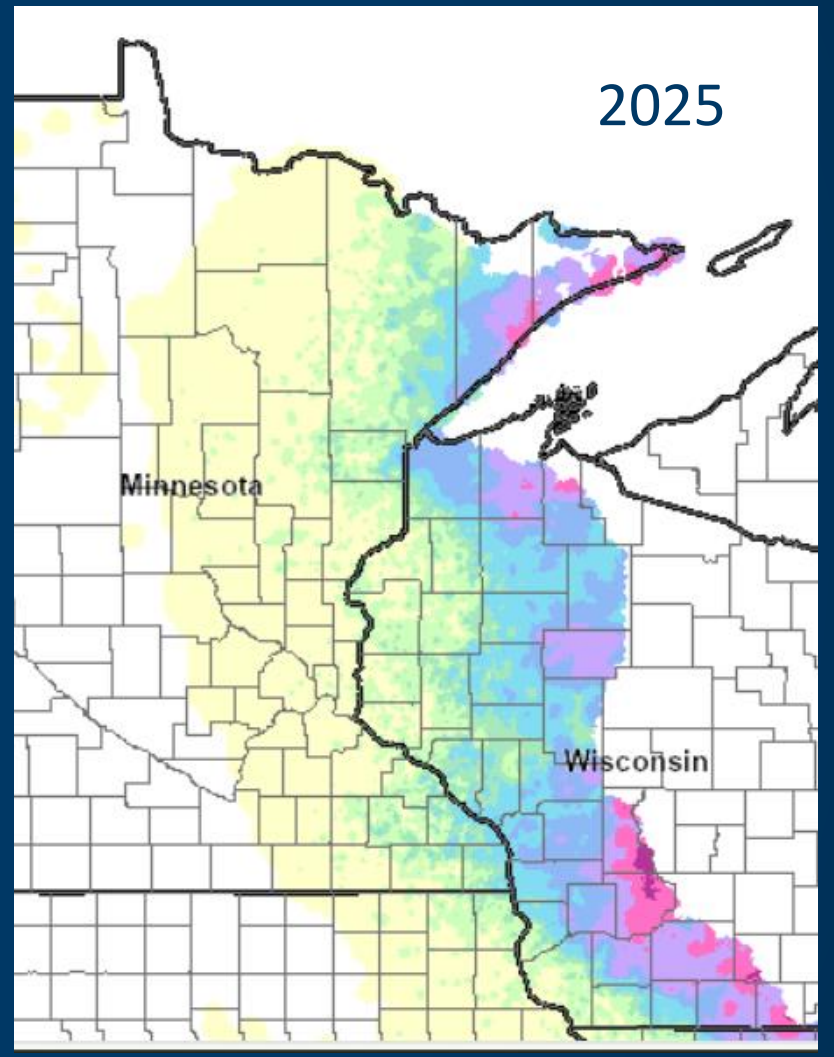
USFS Slow the Spread Program



Spongy Moth Invasion Front



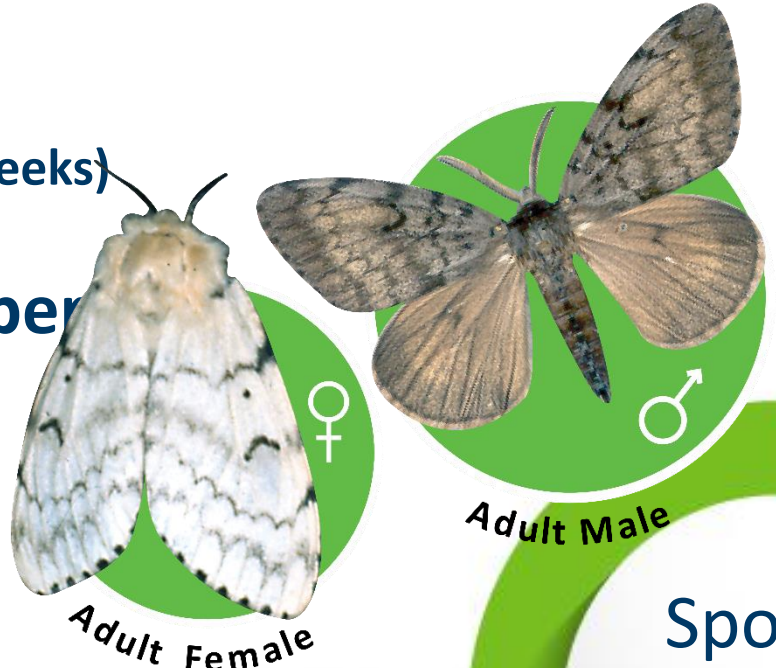




Spongy Moth Life Cycle

Adult (~1-2 weeks)

July- September



Egg Mass

August – May/June

Overwinter



Pupa (~1-2 weeks)

June - July



Larva (~1-2 months)

May-June



Early Detection Survey Program





Survey Program

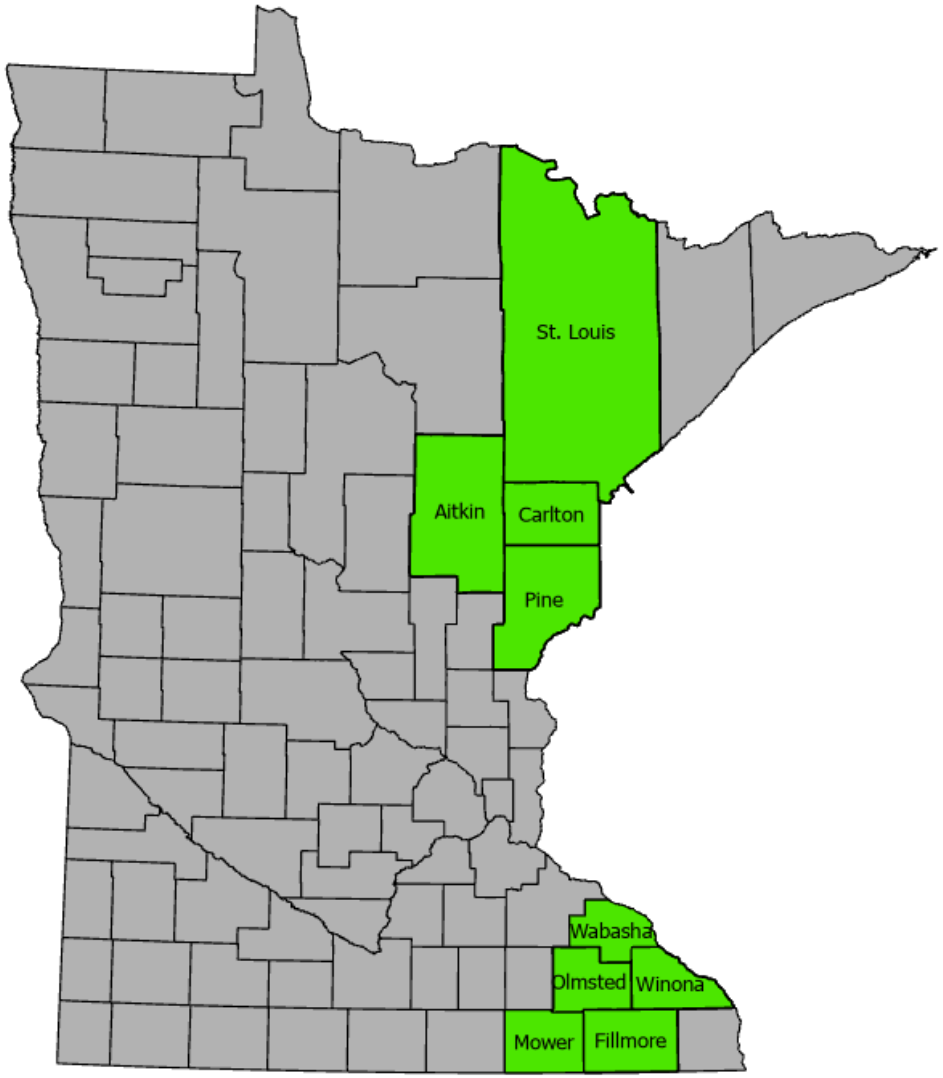
Uninfested Zone | **Transition Zone** | **Infested Zone**

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Management

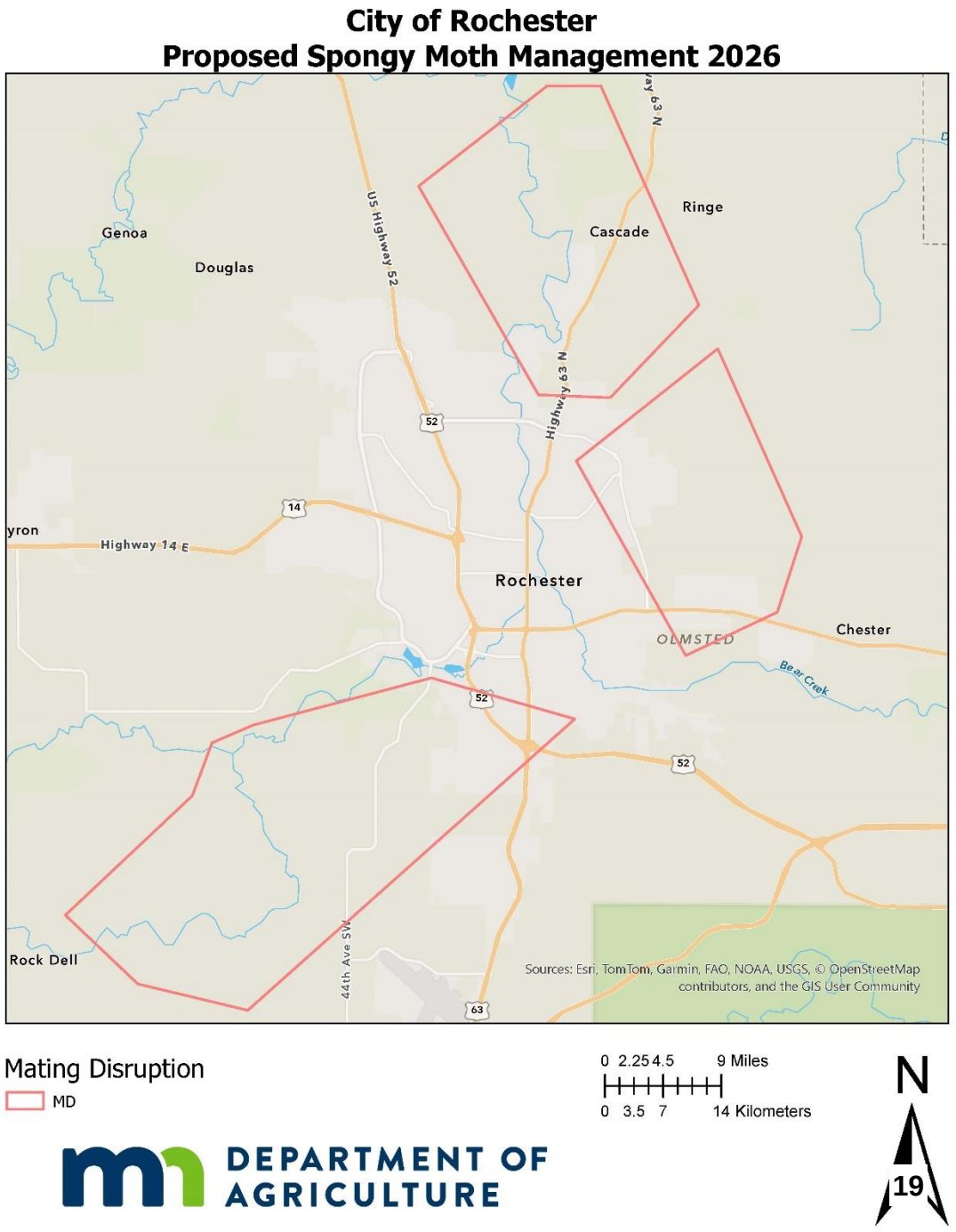
2026 Proposed Treatments



- 35 areas spread across
  - 9 Counties, 13 Cities
- North: Aitkin, Carlton, Pine, and St. Louis
- South; Fillmore, Mower, Olmsted, Wabasha, and Winona
- ~152,000 acres
  - Nationally, USFS is proposing 308,000 acres

City of Rochester

- 36,408 proposed acres
- Proposed management to take place late-June to early July

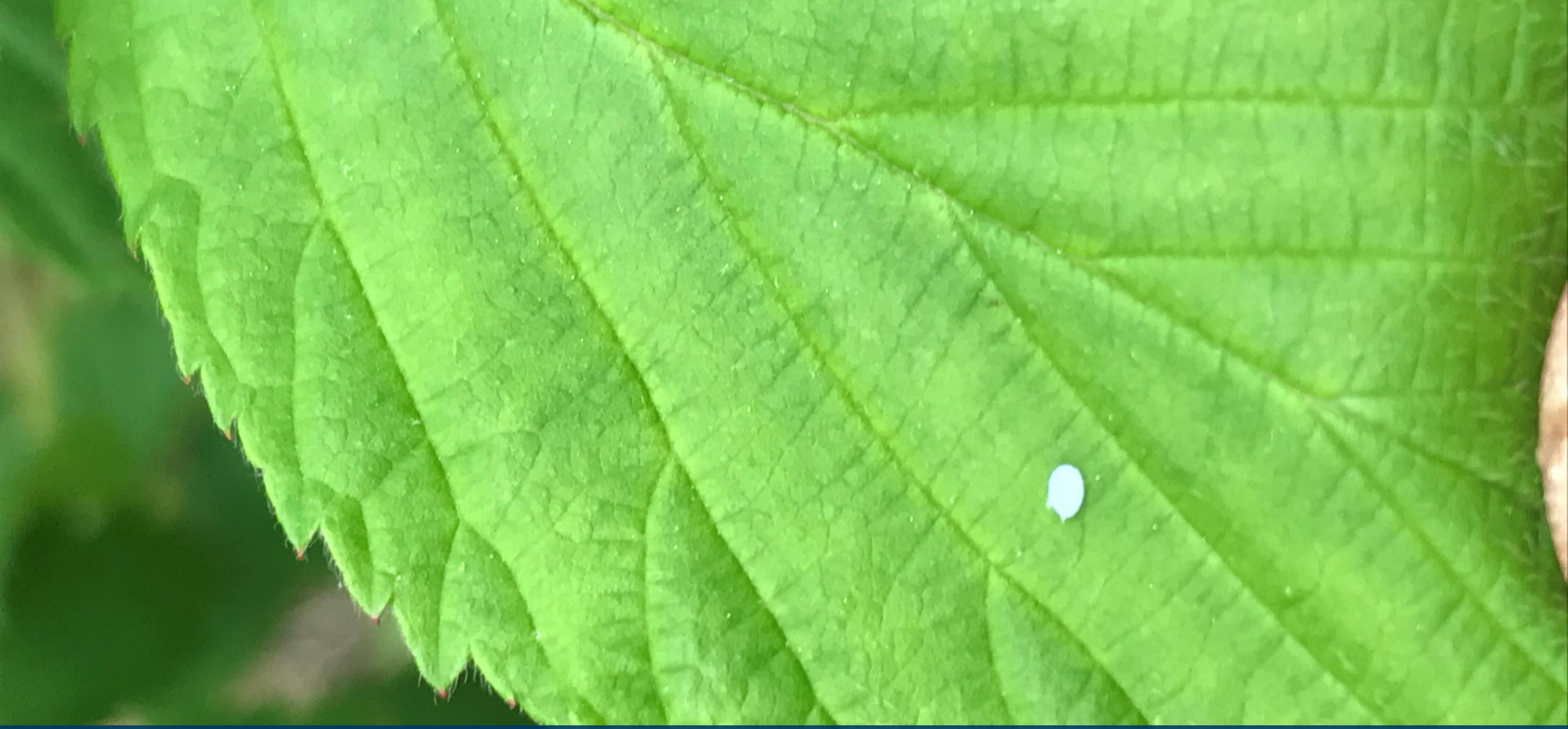


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Mating-Disruption

- Synthetic phermone that prevents male moths from finding females
- SPLAT GM-O
  - EPA certified Organic
  - Non-toxic
  - Biodegradable
  - Made of food grade materials
  - Specific to spongy moth



SPLAT GM-O on a Leaf

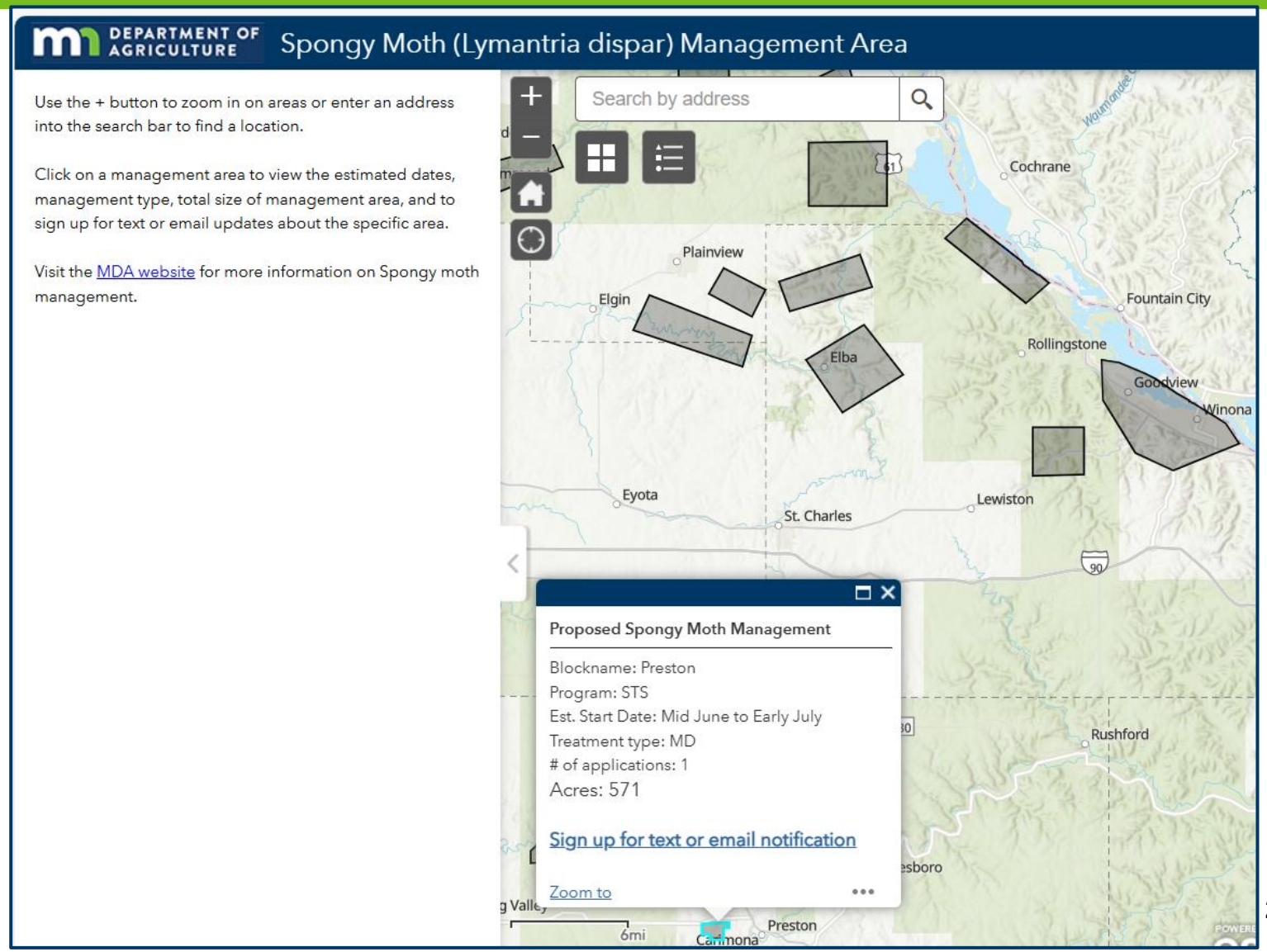
Notification Prior to Treatment

- Informational postcard mailed to residence
- Public meetings
- Legal notice in paper
- Media Blitz
- E-mail and Text Notification
  - www.mda.state.mn.us/spongymothmanagement
- Report a Pest Hotline
  - **888-545-6685**
- Emergency management notified



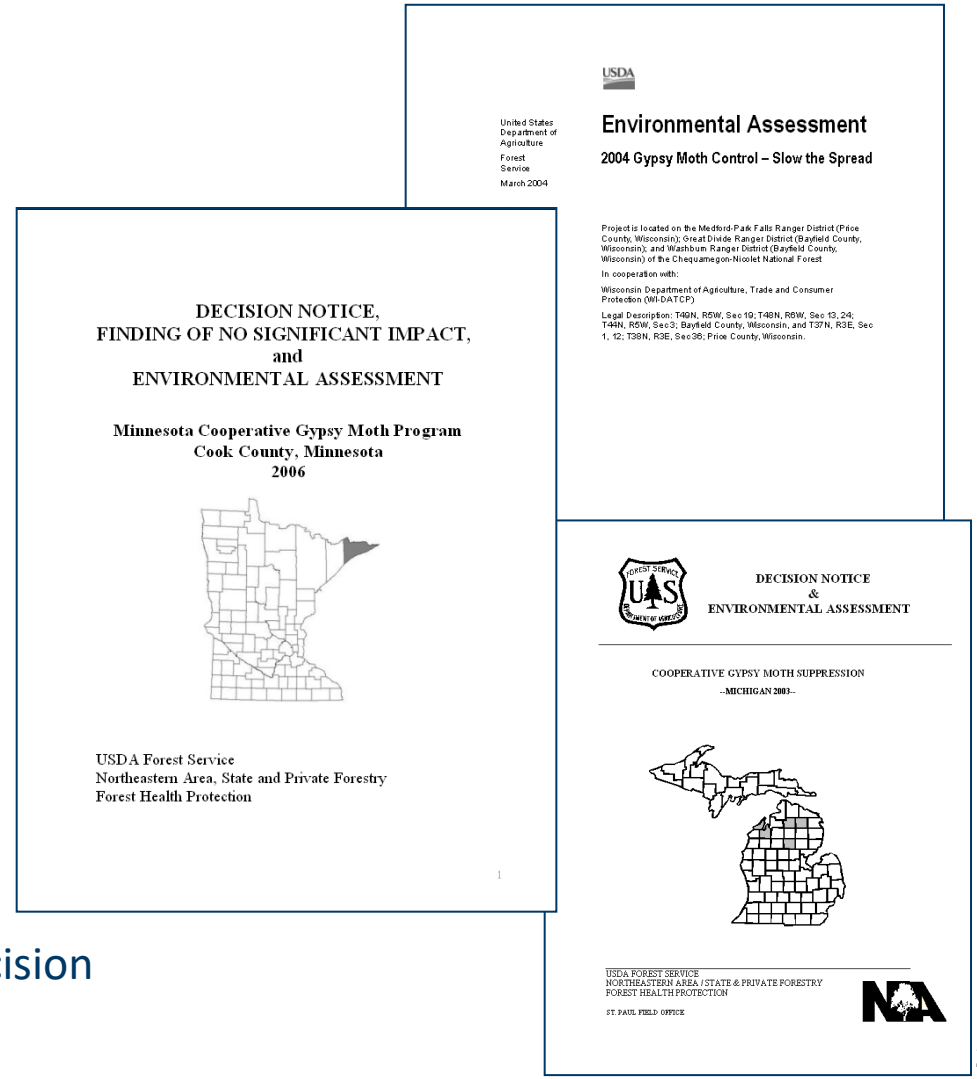
Notification During Treatments

- Media Blitz
- E-mail and Text Notification
- Report a Pest Hotline
  - 888-545-6685



Environmental Assessment (EA)

- An EA will be completed to determine if treatments are appropriate and what method is best
- Evaluated any potential impacts of treatment to threatened and endangered species
- Questions and comments from the public meetings are incorporated.



1995 Environmental Impact Statement (EIS), 1996 The Record of Decision (ROD), 2012 Supplemental Environmental Impact Statement (SEIS)

DEPARTMENT OF AGRICULTURE

Thank you!

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651-248-5485

John Larsen

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651-201-6005



Questions?

DEPARTMENT OF AGRICULTURE

Spongy Moth Management Is Proposed In Your Area

The Minnesota Department of Agriculture (MDA) in collaboration with federal partners has identified areas in Olmsted County that need to be managed to slow the spread of spongy moth in Minnesota.

What is spongy moth?

Spongy moth (*Lymantria dispar*) is an invasive insect that is a significant threat to the economy, environment, and human health. Spongy moth has caused billions of dollars in property damage and defoliated millions of acres of forested land. Spongy moth caterpillars can feed on over 300 tree species, including some of Minnesota's most common trees.

How is spongy moth managed?

In 2026, the MDA is proposing mating disruption management by applying an organic product via low flying aircrafts to the tree canopies. Applications begin in the mornings, with planes often flying in the area for several hours.

Mating Disruption (MD)

Mating Disruption halts the spongy moth mating process by saturating an area with female pheromones which prevent adult males from finding adult females to mate. The MDA utilizes a Mating Disruption product called SPLAT GM-O (Specialized Pheromone and Lure Application Technology Gypsy Moth-Organic). SPLAT GM-O is harmless to humans and animals. All the ingredients in SPLAT GM-O are listed by the EPA as safe.

How many acres in my county are proposed for management?

The MDA is proposing to manage spongy moth in five areas totaling 41,220 acres in Olmsted County.

See Appendix 1 for a map of management locations. An interactive map of management activities is also available online at www.mda.state.mn.us/spongymothmanagement

Table 1. 2026 Olmsted County proposed spongy moth management

County	Area Name	Acres
OLMSTED/ WABASHA	CARLY_SP	6,492 (1,571 in Olmsted)
OLMSTED	ROCHESTER_NORTH	11,088
OLMSTED	ROCHESTER_NE	8,107
OLMSTED	ROCHESTER_SE	17,213
OLMSTED	STEWARTVILLE	3,241

Figure 1. Spongy moth caterpillar. Bill McNee, WIDNR



How do community members and I stay informed?

With high visibility aerial management of spongy moths, communication with the public is key to success. The MDA uses several methods to inform residents of spongy moth management and how it affects them.

- **Public Meetings/Open Houses**

The MDA hosts several virtual or in-person public meetings, typically in the month of March to inform citizens about the proposed project.

- **Postcards**

The most significant communication tool the MDA uses are postcards. All residents with addresses within a management area receive at least one outlining what spongy moth is, the MDA's management proposal, and ways to learn more about the program.

- **Text/Email Alerts**

For the most up-to-date information on spongy moth management activities the public can sign up to receive text messages and emails that provide specific information on management timings in their area. The public will be able to subscribe by visiting www.mda.state.mn.us/spongymothmanagement

- **Press Releases**

The MDA also issues press releases to advertise public meetings and announce upcoming treatments.

- **Listserv**

To keep local government informed on MDA activities, all relevant local government leaders are added to a local leader listserv. This listserv is an opportunity for local leaders to learn more about spongy moth activities, receive updates, and see what the MDA will be sharing with residents. If you would like to be added to our listserv, please let us know.

- **Cooperation**

The MDA works closely with local government communication staff to help publicize spongy moth management activities on their websites and social media before and during treatments.

More Information

www.mda.state.mn.us/spongymoth

Key Contacts

Kimberly Thielen Cremers
Plant Pest Regulatory & Mitigation Section Manager
651-201-6329 (O)
651-248-5485 (C)
Kimberly.TCremers@state.mn.us

John Larsen
Spongy Moth Treatment Coordinator
651-201-6005 (O)
John.Larsen@state.mn.us

Figure 2. A forest edge in July showing the defoliation of leaves. If spongy moth caterpillars were not present the trees would have full dark canopies of leaves.



In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651-201-6000. TTY users can call the Minnesota Relay Service at 711. The MDA is an equal opportunity employer and provider.

Appendix 1

Proposed Activity

Number of management areas: 5

Figure 3. 2026 proposed spongy moth management areas in Olmsted County.

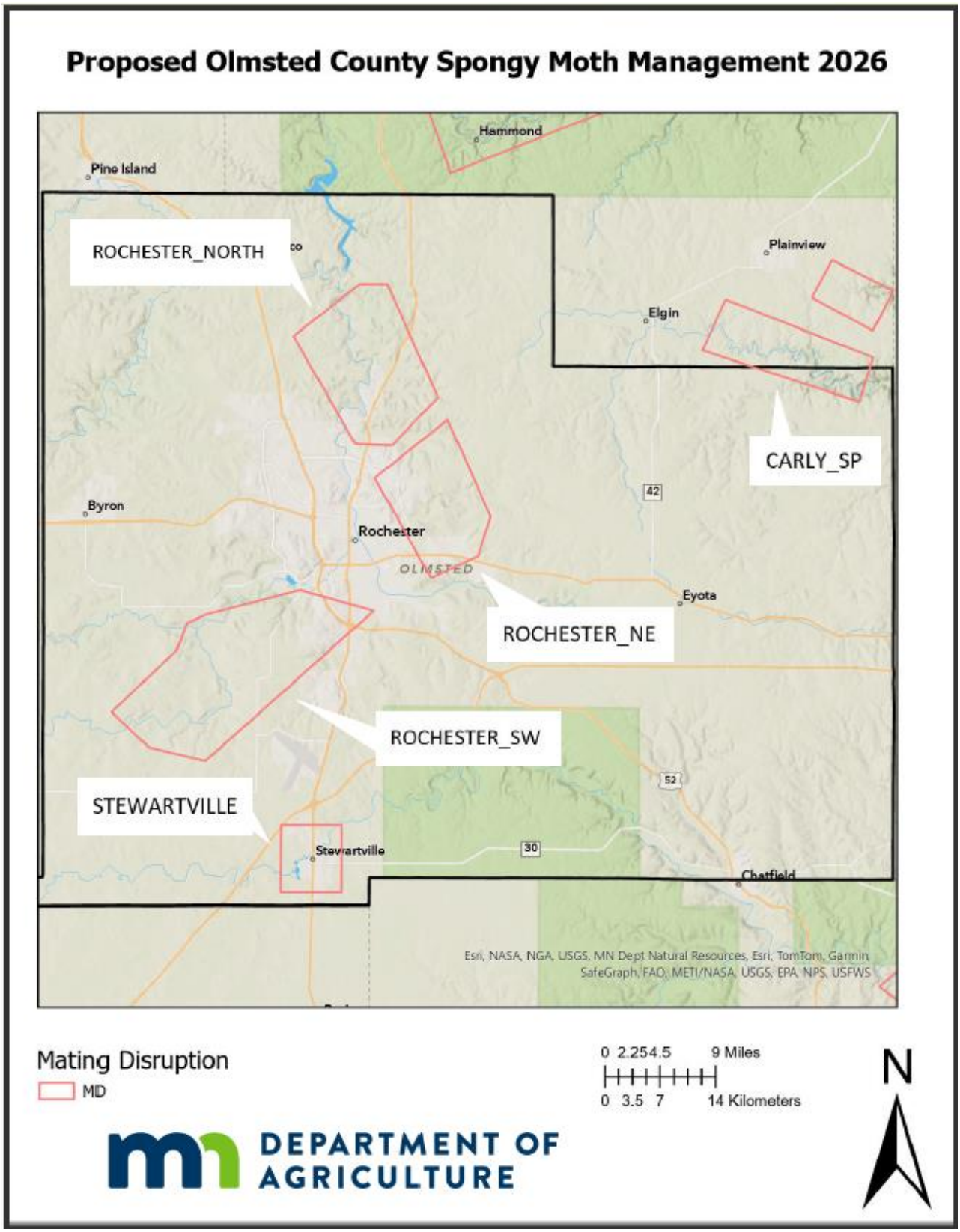


Figure 4. 2026 proposed spongy moth management area on the north side of the City of Rochester.

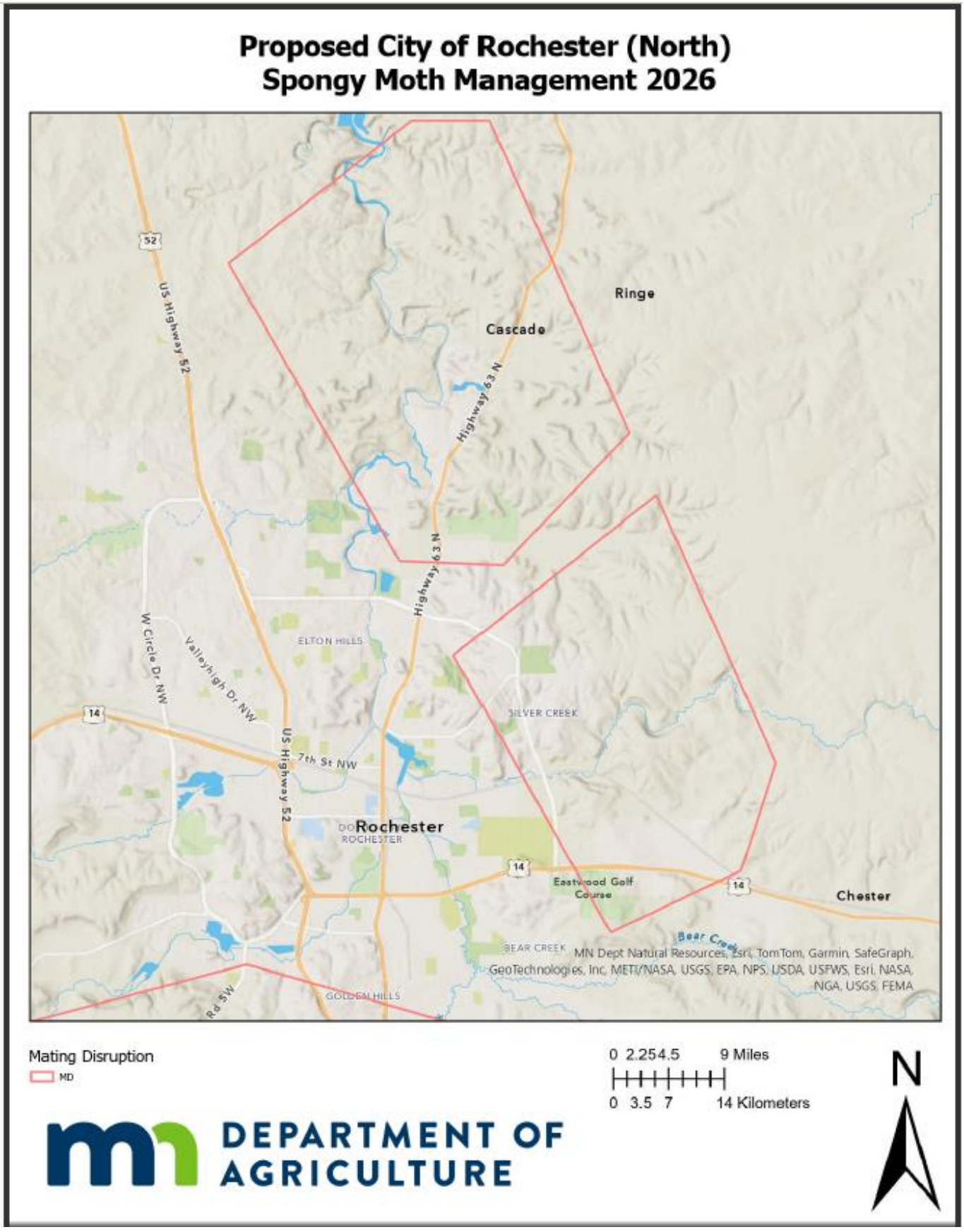


Figure 5. 2026 proposed spongy moth management area on the south side of the City of Rochester.

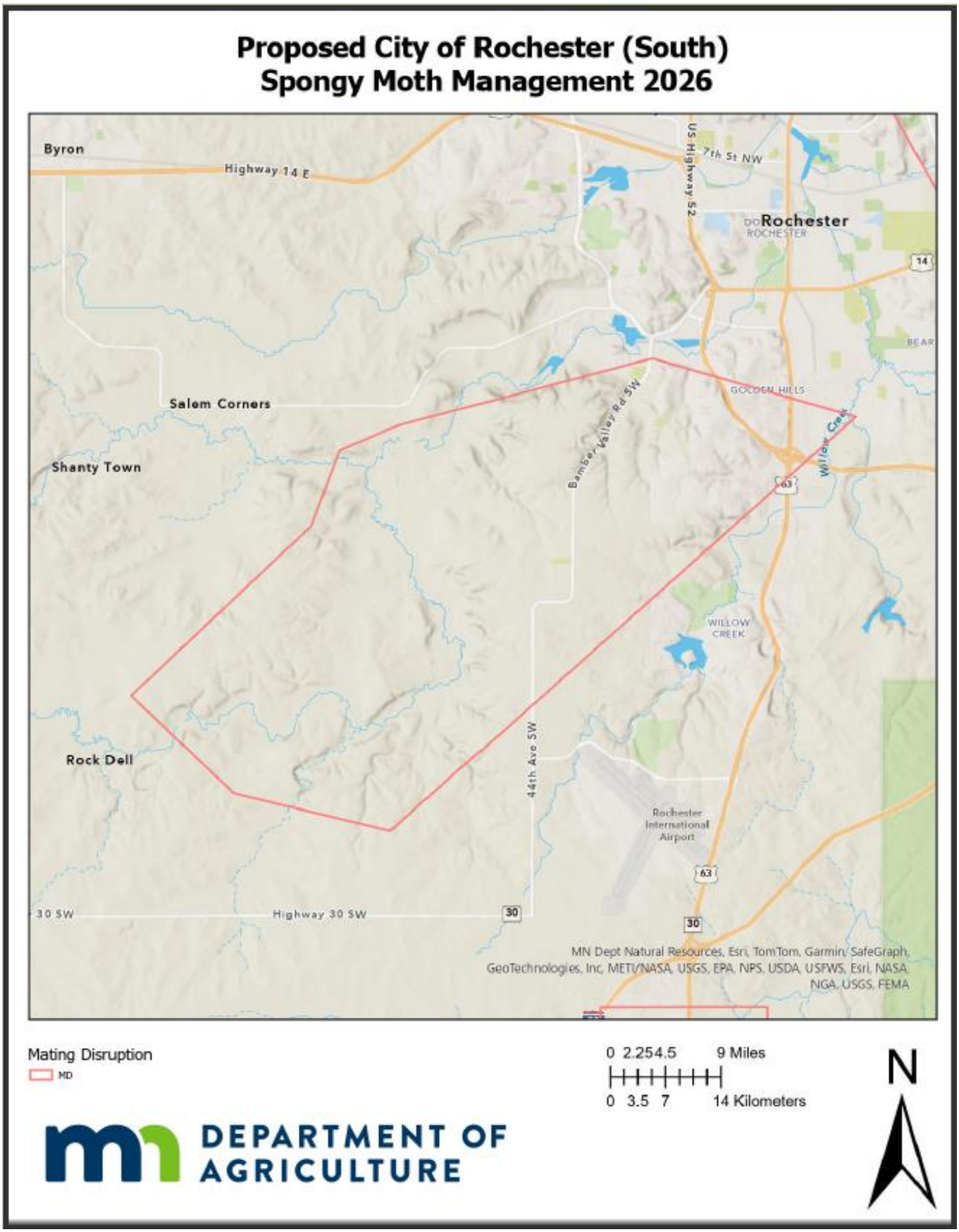
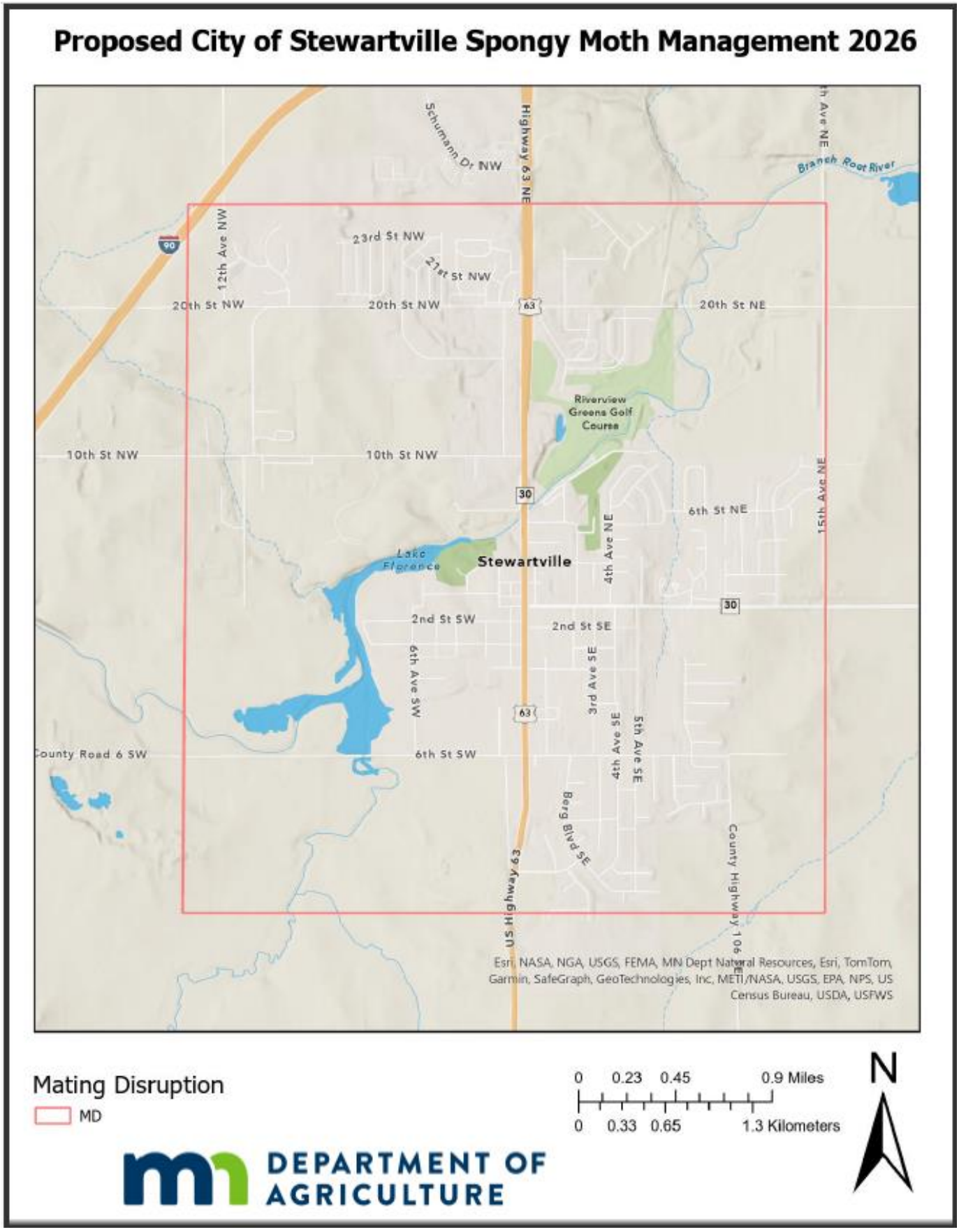


Figure 6. 2026 proposed spongy moth management area in the City of Stewartville.



A.2

CITY OF ROCHESTER MINNESOTA

REQUEST FOR ACTION

Supporting Transformation Update

MEETING DATE:
March 9, 2026

ORIGINATING DEPT:
City Administration

AGENDA SECTION:
Presentation Items

PRESENTER:
Cindy Steinhauser, Ia Xiong, Jenna Bowman, Tim McCollough

Report Narrative:

In October 2025, the City Council approved $38 million in funding to support downtown infrastructure improvements, following similar action taken by the Destination Medical Center Corporation Board in September 2025.

The City's infrastructure improvements will include below-ground utility expansion to update and expand aging sanitary, storm and water systems in order to support additional private development. Improvements will also include above-ground streetscape enhancements designed to improve corridors and promote pedestrian activity.

These improvements are anticipated to occur between 2026 and 2030 within a geographic area generally bounded by 2nd Avenue on the east, 6th Avenue on the west, Second Street on the south, and Civic Center Drive on the north. These improvements will be coordinated with private infrastructure improvements that Mayo Clinic is installing. The program also includes $8 million in investment in the Kutzky Park neighborhood. Final determination of investment locations within the neighborhood will occur following additional neighborhood engagement to identify strategies that best mitigate the impacts of the Mayo Clinic Bold. Forward. Unbound. initiative in this area.

City staff have been developing an implementation schedule for the infrastructure work.

During the study session, staff will provide an overview of this planning in three key areas:

- Project Management and project phasing
- Communication and engagement strategy
- Undergrounding overhead wires consideration

Priorities & Foundational Principles:

Transformational Capital Projects

Prepared By:

Cindy Steinhauser

Attachments:

Presentation - Supporting Transformation Update

CITY OF ROCHESTER MINNESOTA

Supporting Transformation Update

Study Session

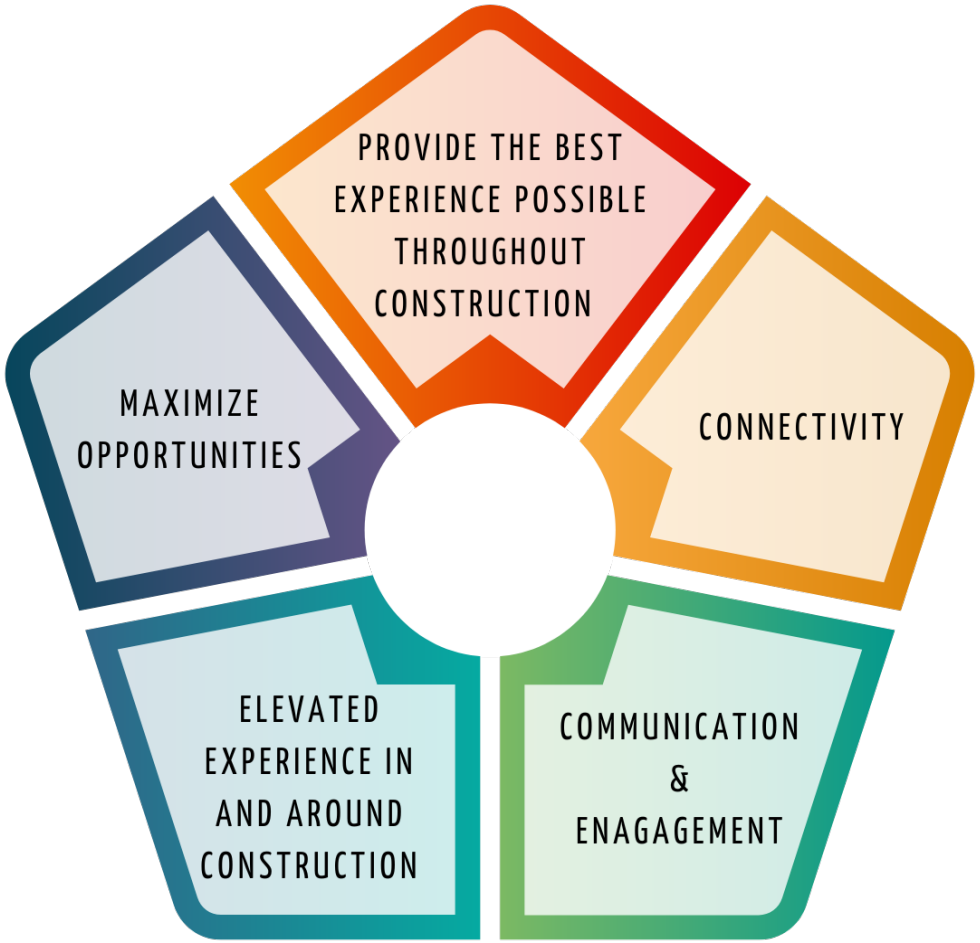
March 9, 2026



$38 Million Downtown Infrastructure Improvements Update

- Project Management and project phasing
- Communication and engagement strategy
- Undergrounding overhead wires consideration

Guiding Principles



Provide the best experience possible throughout construction.

- **Optimize** and **align** schedules across projects to minimize disruption.
- Manage road closures.
- **Intuitive** wayfinding and approach to movement during construction between Mayo Clinic, downtown and surrounding neighborhoods.
- Application of **Business Forward** model.
- A **solution-oriented** approach that balances project needs with safety, quality, and community standards with an eye toward the future.

Maximize opportunities.

- **Dig once** - Make infrastructure investments to avoid future disruption with a goal not disrupting impacted streets for preservation work for the next 15 years and replacement work for 50 years.
- Plan infrastructure that **supports current and future development** and emerging technologies.
- **Maximize the opportunity** and economic impact presented by these significant investments to the benefit of the community.

Connectivity.

- Improve **connections** to neighborhoods and downtown.
- Below grade and at-grade systems (including wayfinding, walking/biking, and other infrastructure).
- Wayfinding/connectivity - **Integrated** and connected to the rest of the community.
- Takes advantage of technology to improve wayfinding and **experience**.

Elevated experience in and around development.

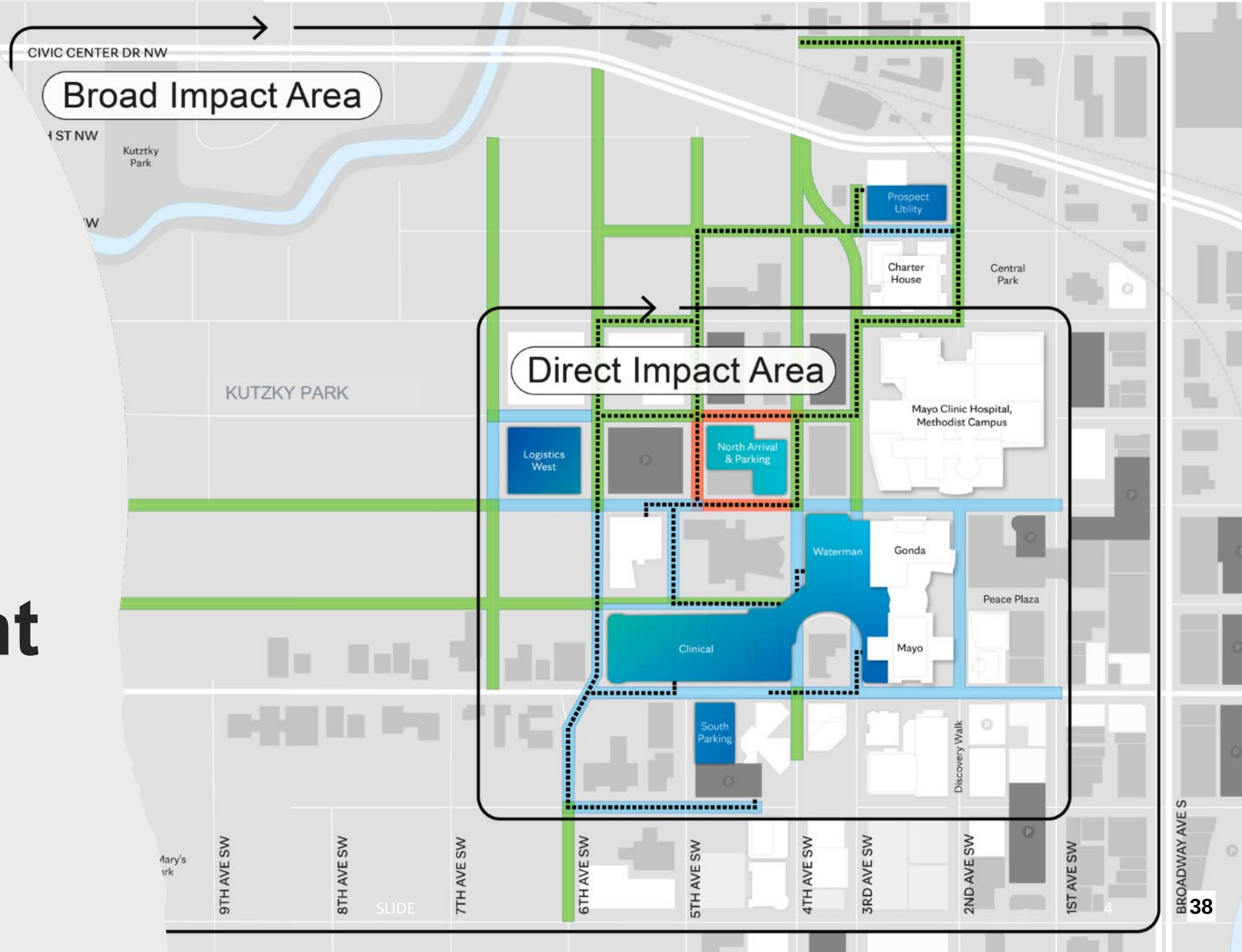
- **Thoughtful** approaches to downtown and neighborhood gateway corridors.
- Use of landscaping, plantings and art.
- **People-first approach** including focus on neighboring properties, downtown businesses and surrounding neighborhoods.

Communication and engagement.

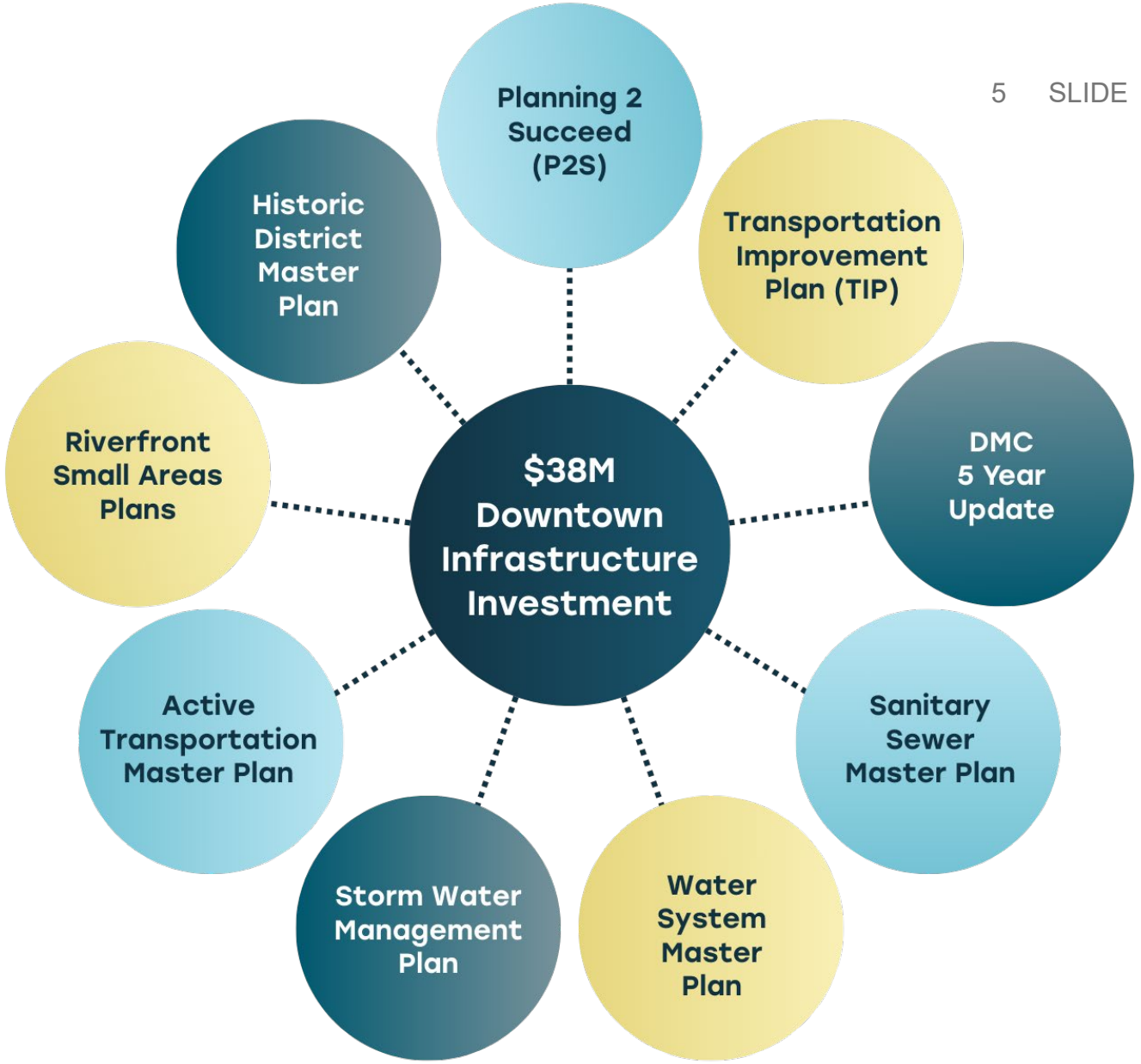
- Timely, actionable and coordinated communications.
- Communicate about the now (short-term) and the future.
- Ongoing **community engagement** to inform approach to public spaces.
- Convey **meaningful impact** of utility improvements.

CITY OF ROCHESTER MINNESOTA DMC Destination Medical Center MAYO CLINIC

Map of Investment Area



Integrated Initiative



Staff Delivery: Integrated Approach

- Supporting Transformation & Partnerships Impact Team
- Development Services & Infrastructure Impact team:
- City Administration Communications & Engagement
- Legal Department
- Finance Department
- Rochester Public Utilities
- Parks & Recreation
- Community Partners: DMC, RDA



Project List

Project	Project Manager	Planning Estimate	Construction Estimate	Total Estimate
Innovation RFQ	Molly Patterson-Lundgren	300,000	-	300,000
J8908 - Reimagine 6th Ave*	Mike Collins	900,000	9,950,000	10,850,000
J8910 4th Ave between 2nd St & 3rd St	Jacob Souhrada	75,000	425,000	500,000
J8915 - 5th Ave & 1st St	Martin Ramirez	600,000	3,400,000	4,000,000
Project D - 1st St SW to 4th Ave Tie in	Kate Samuelson	225,000	1,275,000	1,500,000
Project H - 3rd & 4th Ave from Center to Civic Center	Josh DeFrang	1,312,500	7,287,500	8,600,000
Project I - End of Mayo Package D & DMC Downstream Sanitary Sewer Upsizing	Carson Johnson	693,150	3,927,850	4,621,000
Kutzky	Steve Sampson-Brown	220,000	7,780,000	8,000,000
Grand Totals		**4,325,650**	**34,045,350**	**38,371,000**

*This project has spent approximately $300,000 of the 2025 CIP BFUiR planning budget, but has not yet spent any of the 2026/2027 Downtown Infrastructure budget.

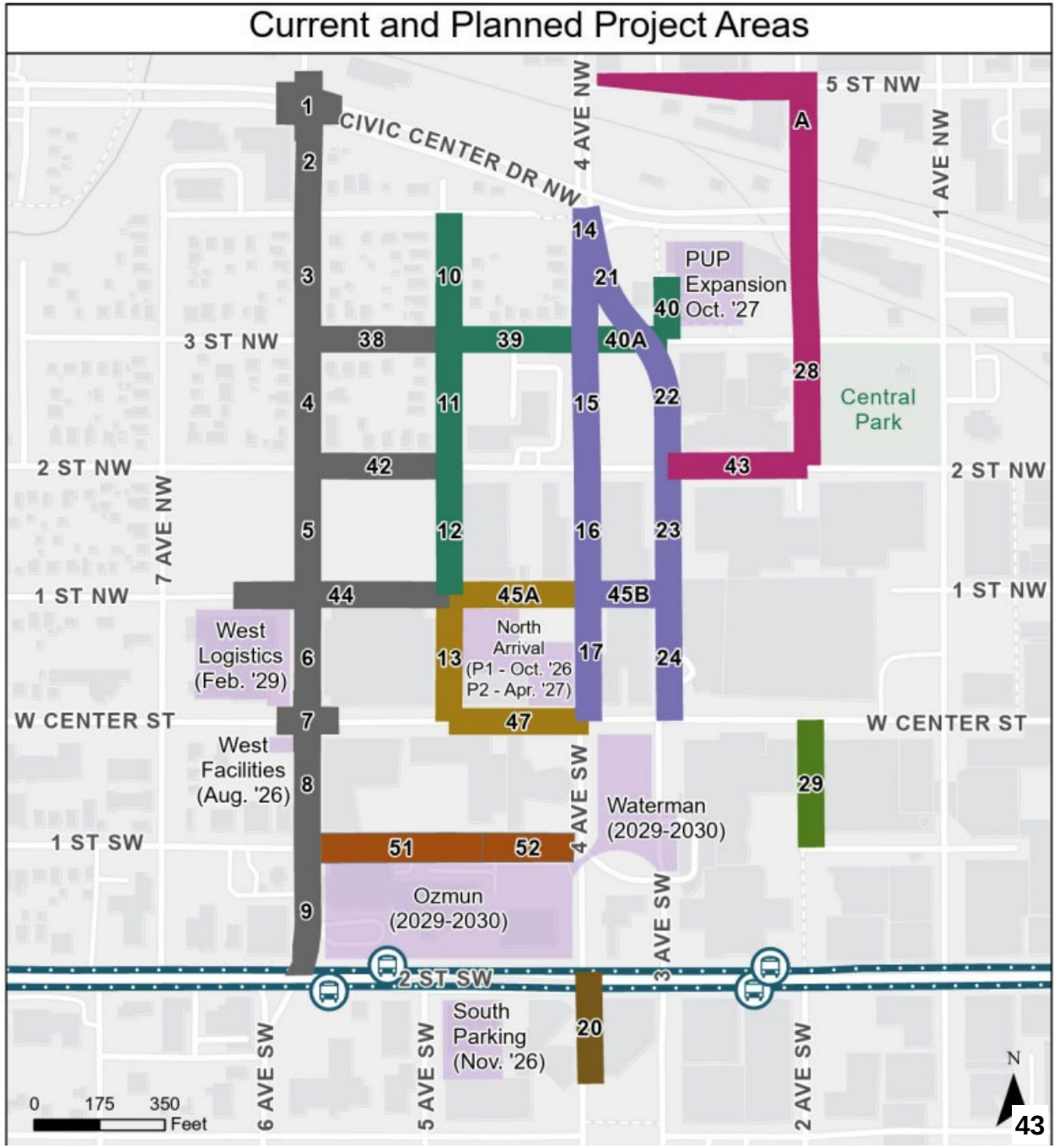
Responsibility Matrix Exercise

No.	Scope Item	Owner of Activity	Funding Responsibility
1	All city utilities disrupted by package B-1 duct/tunnel work	Mayo	100% Mayo
2	Replace streetscape	Mayo	100% Mayo
3	Fiber duct bank on north side to be bored	Mayo	100% Mayo for intersections
4	Fiber duct that crosses 2nd in N-S direction	Mayo/City	City/Mayo share per bid alternate
5	Mayo duct bank on south side of 1st Street	Mayo	100% Mayo
6	Mayo duct bank on south side of 1st Street	City	100% City
7	Mayo duct bank on west side of 5th Ave	City	100% City
8	Utility upgrades within 5th Ave	Mayo	100% Mayo
9	Utility upgrades within 5th Ave	Mayo	100% Mayo
10	Duct bank on Center St from 5th Ave to 4th Ave	Mayo	100% Mayo

Updated July 18, 2025

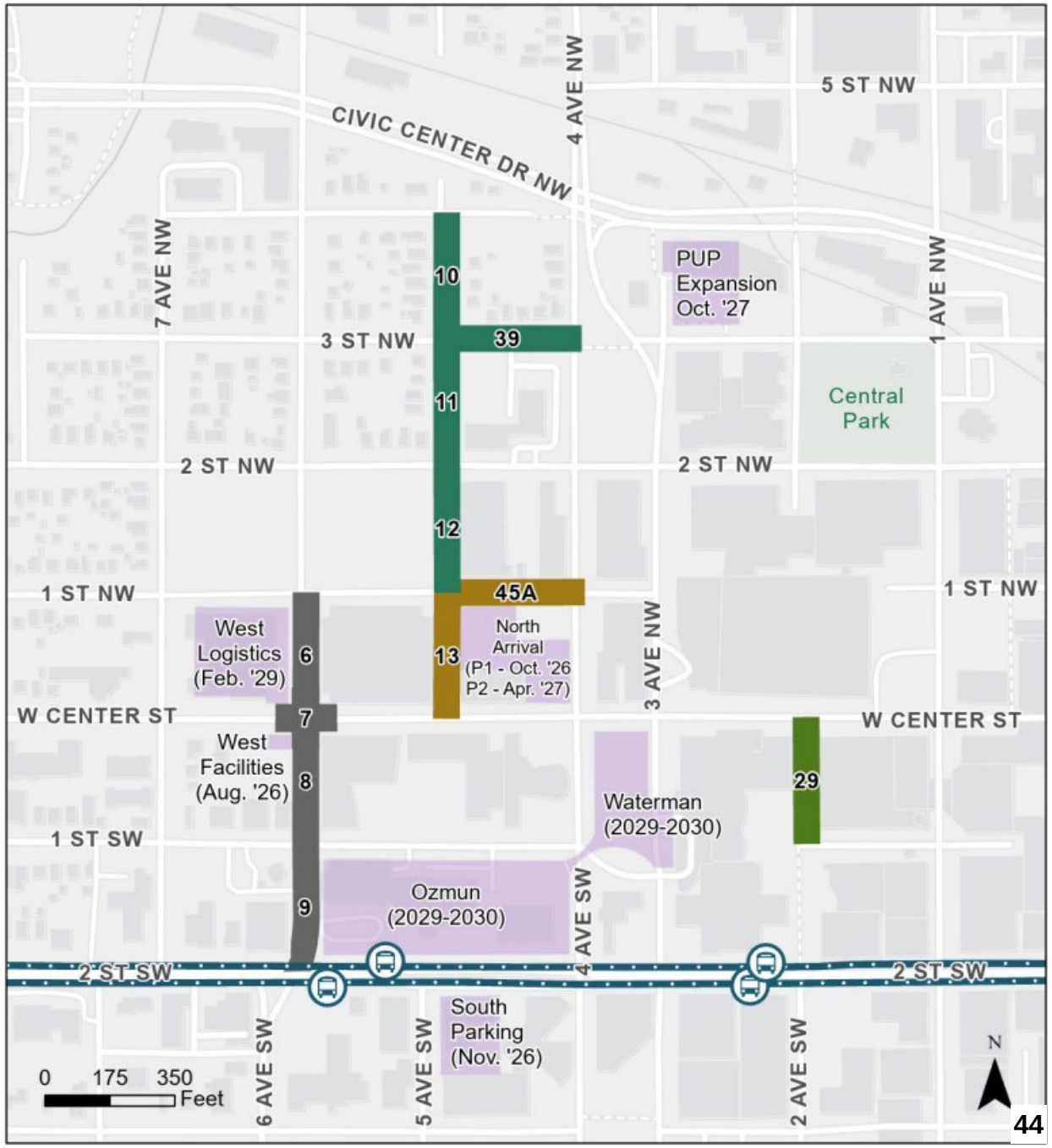
Current and Planned Project Areas

- 2026-2029
- Multiple projects per year



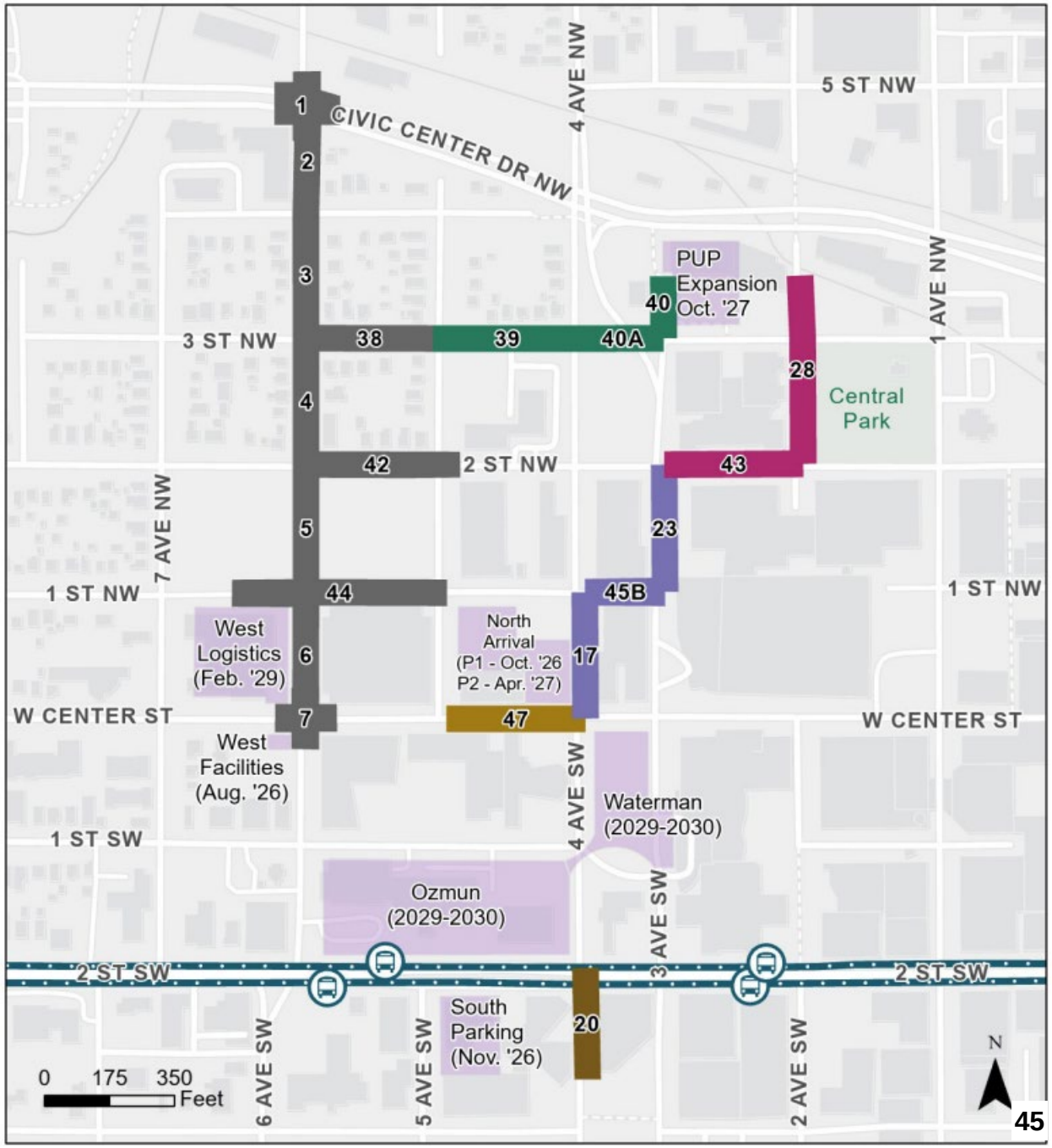
Planned Project – Phase in 2026

- Anticipated construction in 2026 includes:
  - Underground utilities: Water, storm, and sanitary
  - Above-ground utilities: Street, sidewalk, and cycle track
- Work in conjunction with UPUI Package B3 and Mayo Package D



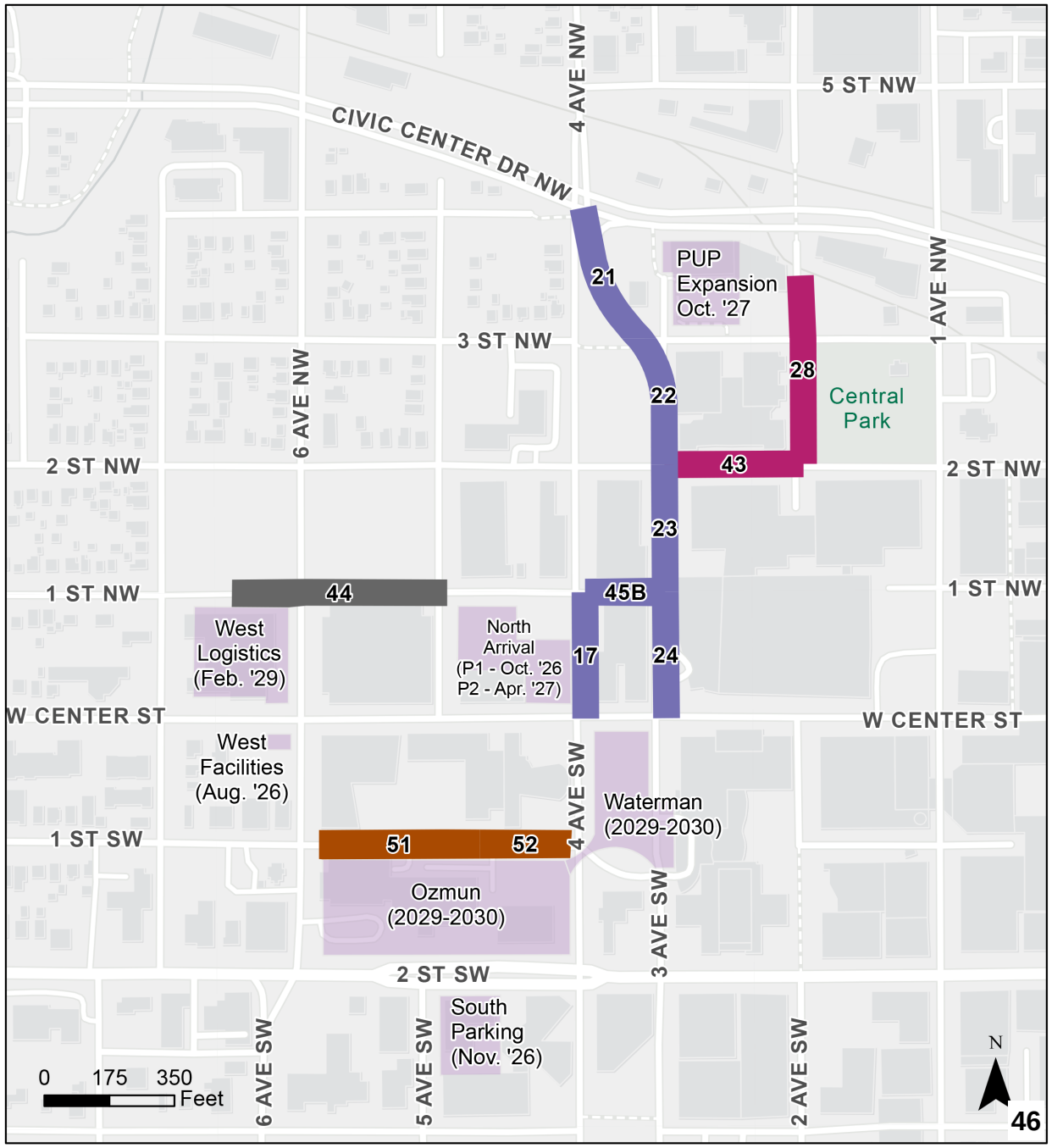
Planned Project – Phase in 2027

- Anticipated construction in 2027 includes:
  - Underground utilities: Water, storm, and sanitary
  - Above-ground utilities: Street, sidewalk, and cycle track
- Work in conjunction with UPUI Package B3 and Mayo Package D



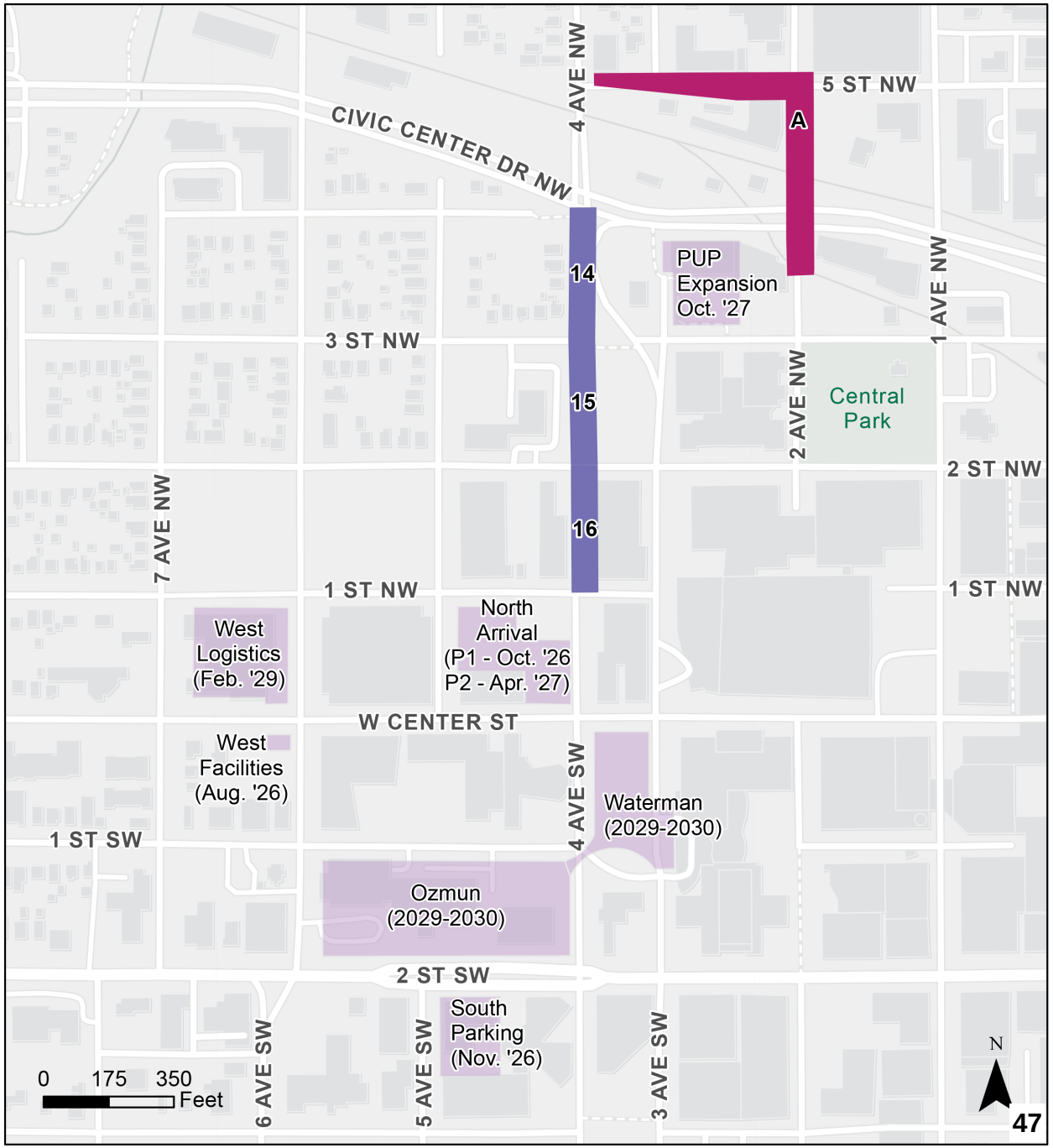
Planned Project – Phase in 2028

- Anticipated construction in 2028 includes:
  - Underground utilities:
    Water, storm, and sanitary
    Above-ground utilities:
    Street, sidewalk, and cycle track
- Work in conjunction with Mayo Package D



Planned Project – Phase in 2029

- Anticipated construction in 2029 includes:
  - Underground utilities:
    Water, storm, and sanitary
    Above-ground utilities:
    Street, sidewalk, and cycle track
- Work in conjunction with Mayo Package D



Design & Innovation Request for Qualifications

- Purpose:
  - Create a cohesive public realm design strategy
  - Identify innovation opportunities
- Contract Approval in May 2026
- Neighborhood & Community Engagement
- Plan delivered in November 2026



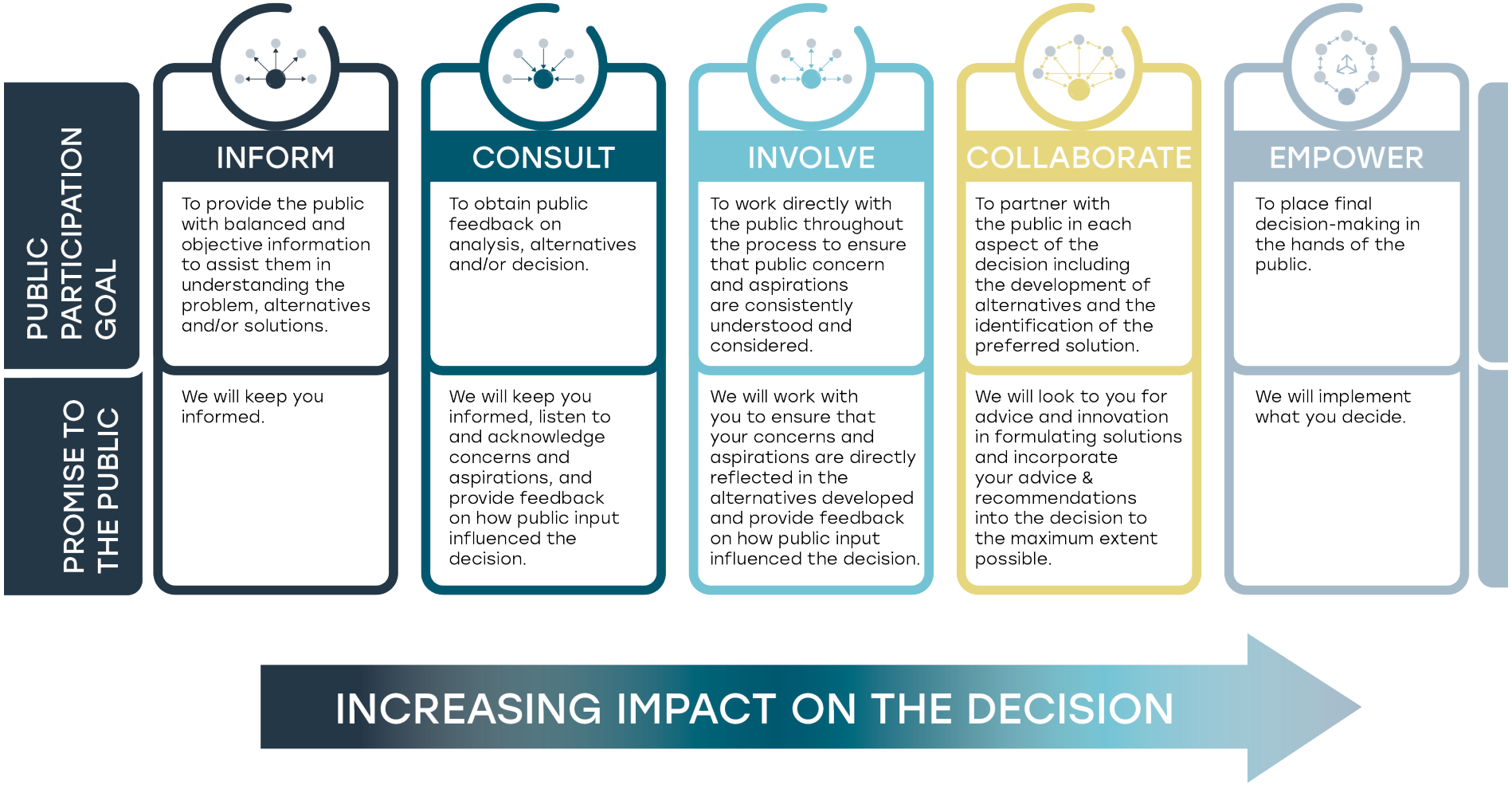
Communications, Engagement & Partnership

Intentional Communication

- Lead with transparency and timeliness
- Communicate early and often across trusted channels
- Make it easy to find verified, up-to-date resources and information
- Leverage partner channels

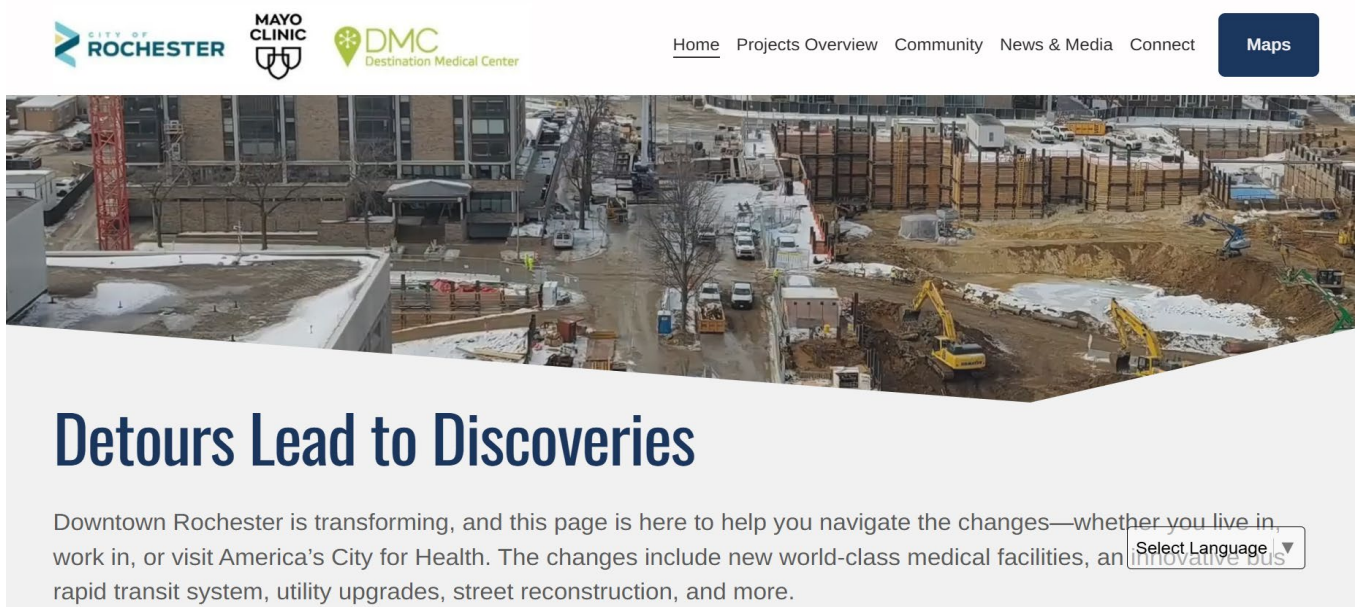


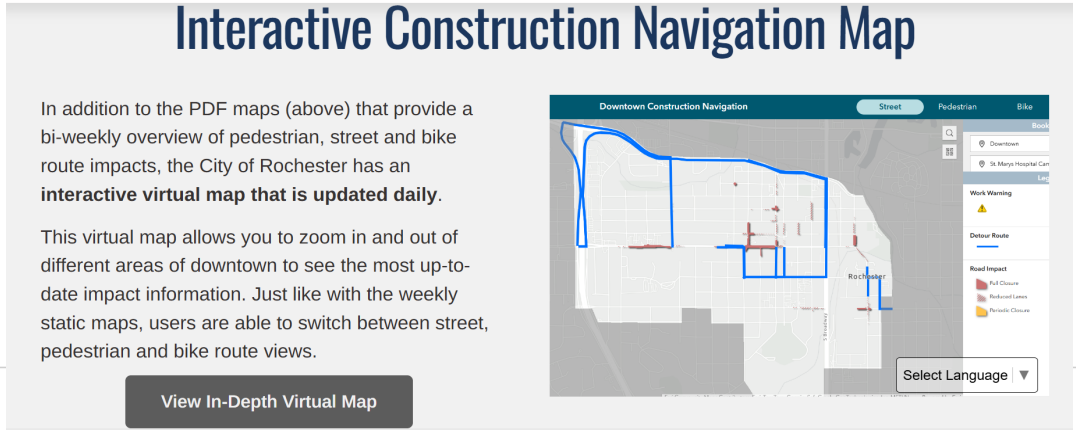
IAP2 Spectrum of Engagement



Work We've Been Up To

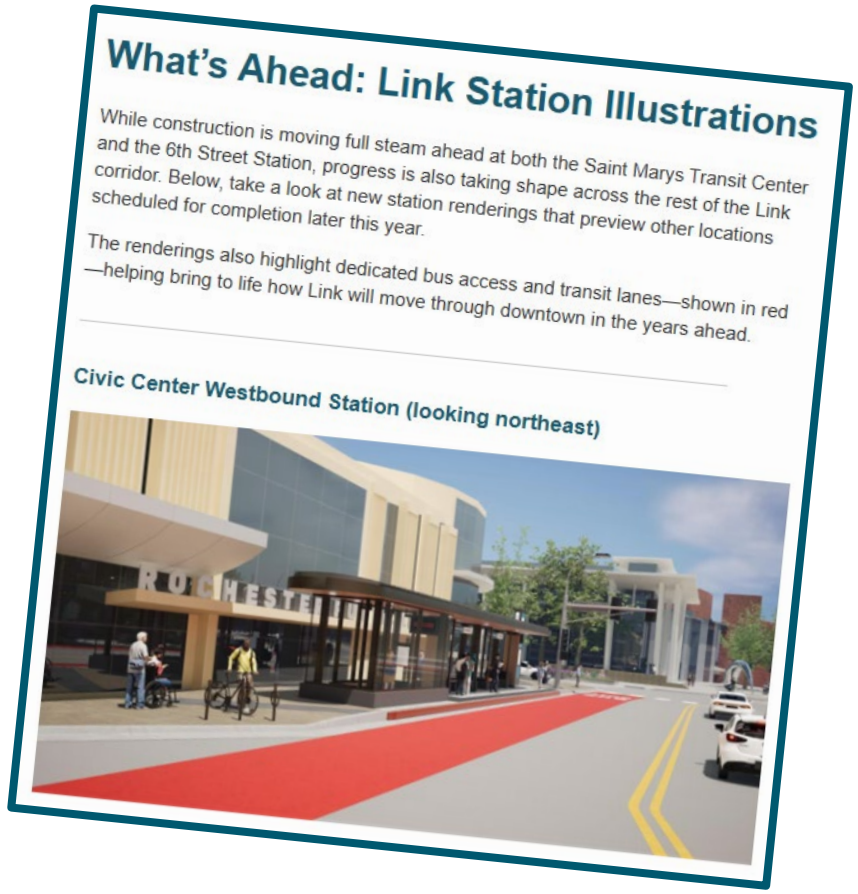
- DowntownRochesterConstruction.org
- Link Newsletter
- On the Build Newsletter
- Friday E-mails to City Council
- Neighborhood Meetings
- Social Media Updates
- Public Service Announcements (PSA)
- Media Release
- Community Special Events





Metrics

- **DowntownRochesterConstruction.org**
  - Website launched in April 2025
  - 2025: 27K visits, 20K unique visitors, 46K pageviews, 19 email submissions
  - 2026 (Jan-Feb): 2.3K visits, 1.8K unique visitors, 3.1K pageviews, 4 email submissions
- **Link Newsletter**
  - 381 Subscribers
  - Newsletter open rate consistently over 60%
  - Click rate regularly ranging from 6 to 10%



Public Service Announcements (PSA) Process

- Right-of-way (ROW) staff review roadway impacts and issue ROW permits
- Once issued, key partners (Media, emergency services, transit, MnDOT, Olmsted County, Rochester Public Schools, Mayo Clinic, etc.) automatically receive notifications based on the type of impact
- Two notification types:
  - Major: Full closures requiring detours or affecting major routes
  - Minor: Lane shifts, single-lane impacts, temporary street uses like dumpsters
- All approved impacts are added to the City's public construction impact map
  - Travel-specific maps are also available on RochesterDowntownConstruction.org

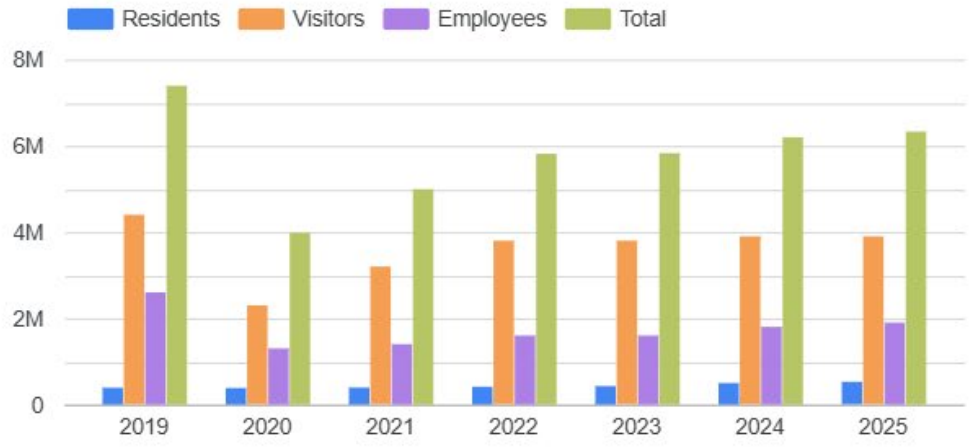
Post-Pandemic Foot Traffic Growth

Do Business Downtown Dashboard

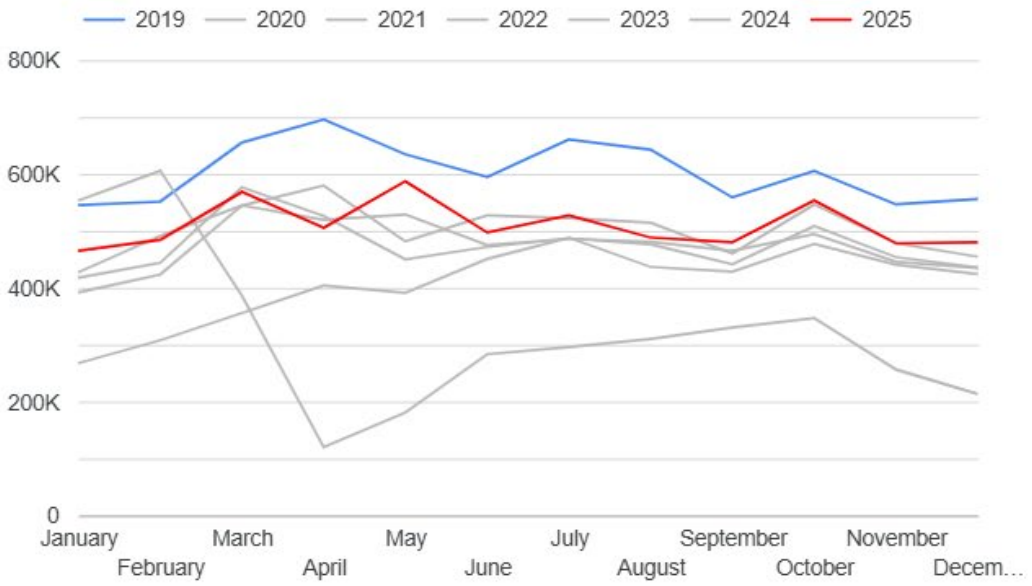
DOWNTOWN Rochester, Minnesota

Annual Foot Traffic

Avg. Visitors Visits	Avg. Guest Visits	Avg. Resident Visits
3.6M	1.7M	432.8K



Monthly Foot Traffic



Undergrounding Overhead Power

RPU Board Policy 31

Overhead-to-Underground Conversion for Electric Distribution

- Policy supports continued movement toward underground infrastructure
- Requesting third party is typically responsible for 100% of direct and indirect costs
- RPU may participate when measurable public or system benefits exist.
  - Capital replacement benefit
  - Avoided vegetation maintenance
  - Safety or reliability improvements
- Underground service laterals are privately owned assets

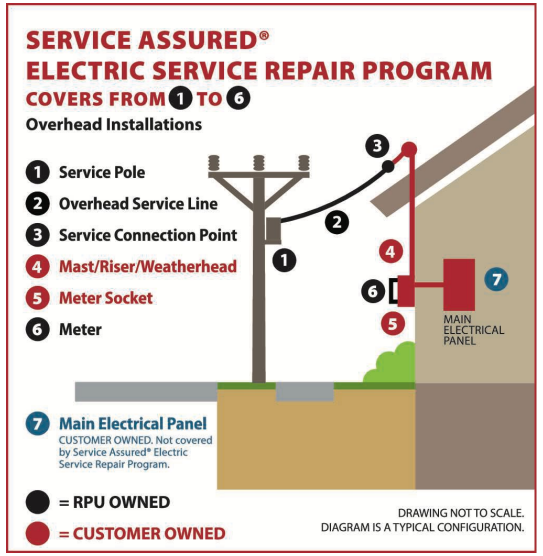
Cost Responsibility

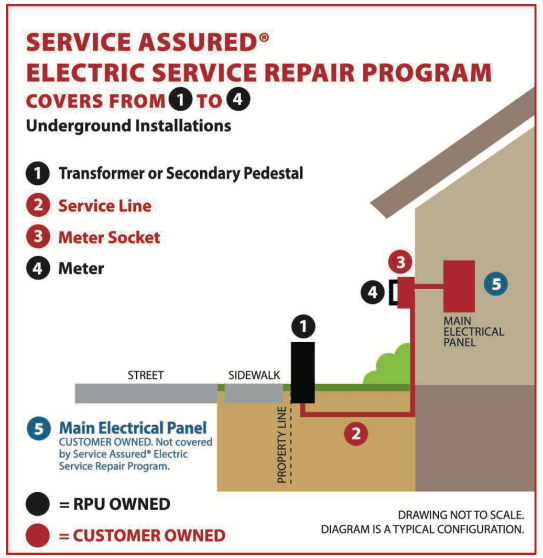
Mainline Overhead to Underground

- Primary and Secondary
  - $3M to $5M per corridor mile (3-phase primary)
  - $2.5M - $3M per mile (single phase primary)
  - $500,000 per mile (secondary)

Property Owner Responsibility

- Overhead service drops
- Underground laterals are privately owned
  - $10,000 (single phase power)
  - $30,000 (three phase power)





Underground Conversions

Advantages

- Improved Aesthetics and Tree Canopy Preservation
- Reduces Vegetation and Animal Outages
- Safety Improvements
  - Reduce vehicle incidents
  - Storm related incidents

Tradeoffs

- High Upfront Capital Costs
- Private Service Lateral Costs
- Customer choice to retain overhead service
- Tree Damage for underground electric installation
- Limited Reliability Improvements
  - Upstream feeder outages remain
  - Longer restoration time for repairs

Surface Infrastructure & Constrains

- Above-Ground Equipment Required
  - Pad-mounted transformers
  - Primary Junction Cabinets
  - Secondary pedestals
- Easements Requirements
- Access Requirements for Equipment
- Tree & Planting Restrictions
- Remaining Private Service Laterals





Examples





Full Underground Conversion Project - 217 14th Avenue SW

Examples



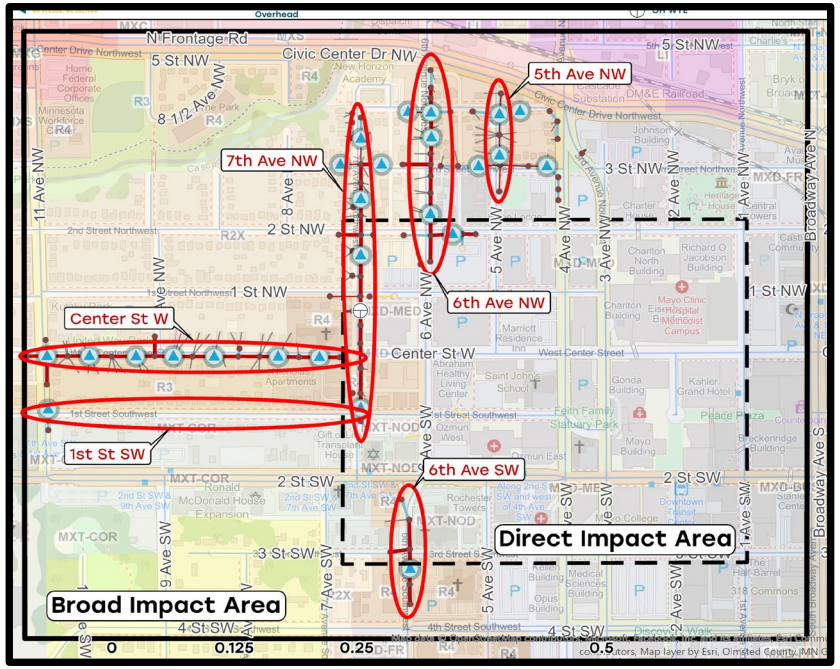


Examples of remaining service laterals following underground project

Preliminary Estimates

- Summary of preliminary planning estimates provided below
- UG project costs are not currently included in the 5-year CIP.

Street Segment	Estimates	Key Notes
Center St W	$2.16M	0.33 mi 3φ; 28 overhead services; R3–R4 zoning
7th Ave NW	$1.99M	0.27 mi 3φ + 0.03 mi 1φ; 27 services; mixed-use zoning
6th Ave NW	$1.83M	0.18 mi 3φ; 15 services; 21 meters; R4/R2X zoning
6th Ave SW	$1.78M	0.3 mi 3φ; 11 services; R4/MXT zoning
5th Ave NW	$0.41M	0.1 mi 1φ; 7 services; R4/MXD zoning
3rd–4th Ave NW	$0.10M	0.04 mi secondary only; 4 services; 12 customers
Est. Easement Acquisitions	$1.0M	Additional easements for UG, transformers, and surface infrastructure
Legal, Technical, Admin	$1.0M	Project delivery costs
Contingency	$2.48M	Unknown conditions prior to design work
Estimated Total	$12.75M	



Direction Needed

- Maintaining consistency with RPU Policy 31
- Maintaining consistency with past requests and projects
- System costs and public benefit for existing ratepayers
- Focus on specific segments
- Funding sources and availability

Discussions, Questions & Feeback

CITY OF ROCHESTER MINNESOTA

REQUEST FOR ACTION

Housing Code Update

MEETING DATE:
March 9, 2026

ORIGINATING DEPT:
Community Development

AGENDA SECTION:
Presentation Items

PRESENTER:
Taryn Edens and Heather Barness

Report Narrative:

The Community Development - Housing and Neighborhood Services division will provide a brief overview on the City's rental housing inspection requirements, as well as information on proposed revisions to the Housing Code (Chapter 7) of the Rochester Code of Ordinances. The City's Housing Code was last updated in 2023 to align with the International Property Maintenance Code, which has since been updated in 2024. Updates to the City's Code are technical in nature, but notable amendments will be shared. Internal and external engagement on the proposed updates were done with the Rochester Fire Department, the City Attorney's Office, Rochester Multi Housing Association, and communication to all rental housing providers. The intention of this presentation is to inform the Council of this proposal before official ordinance adoption before Council.

The proposed ordinance text represents the current draft of the proposed ordinance and remains subject to further revision.

Priorities & Foundational Principles:

Public Safety

Prepared By:

Taryn Edens

Attachments:

Presentation - Housing Code Update

Exhibit - Chapter 7 - Housing Code Update

ROCHESTER
COMMUNITY
DEVELOPMENT

Housing Code (Chapter 7) Updates

March 9, 2026

Policy Consideration

City Council is being asked to adopt an updated Housing Code (Chapter 7) which better aligns with the International Property Maintenance Code.

Agenda for today

History

By the numbers

Guiding sources

Internal and external engagement

Code updates

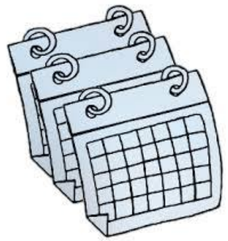
Questions

Housing & Neighborhood Services

- Housing Code (Chapter 7) guidance
- Applicability
- Rental license requirements
- Property Incentive Program
- Inspections
- Complaints received via 311
- Staffing



Property Incentive Program



Scoring Process

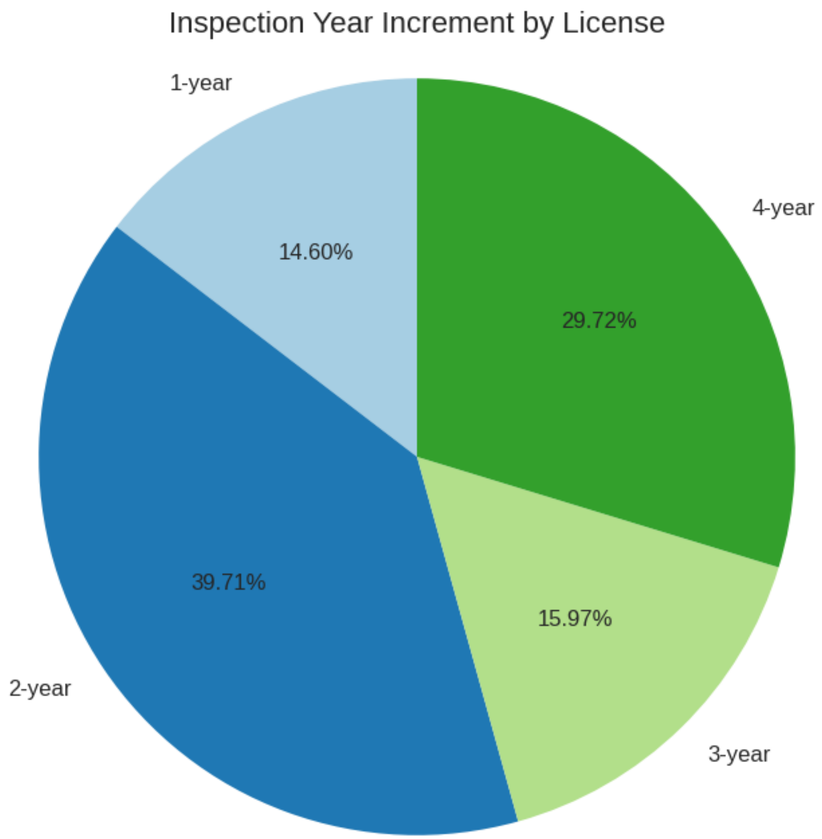
After inspection, a property will be scored dependent on the number of violations found, and will result in a 1-,2-,3-, or 4-year inspection cycle. The scoring system developed scores for properties depending on their density of units. Scoring is kept confidential from inspectors to avoid bias.



Incentive

Depending on the scoring of the inspection, properties will be granted up to four (4) years until their next inspection.

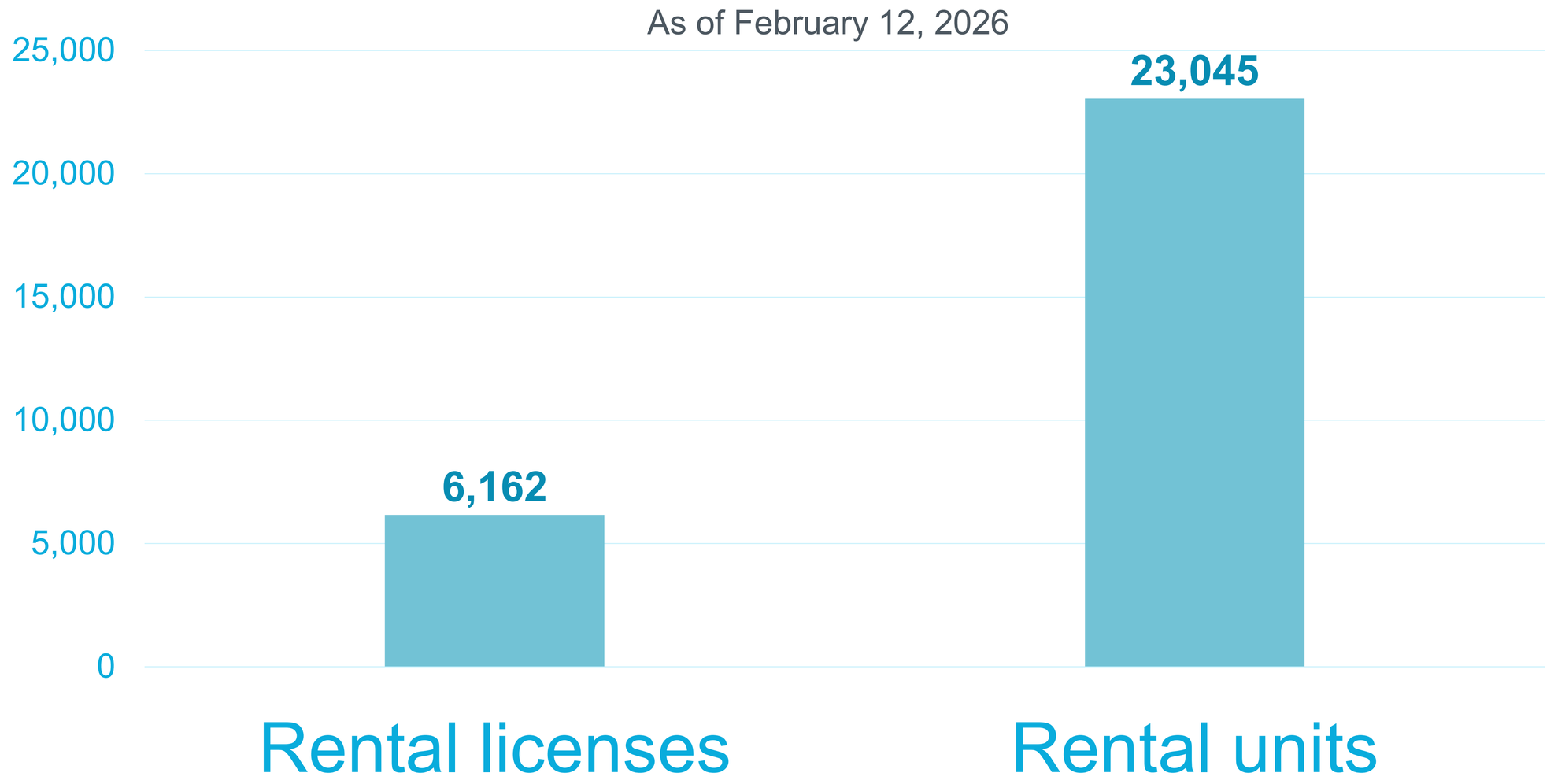
By the numbers – inspection results



2025 Property Incentive Program inspection results

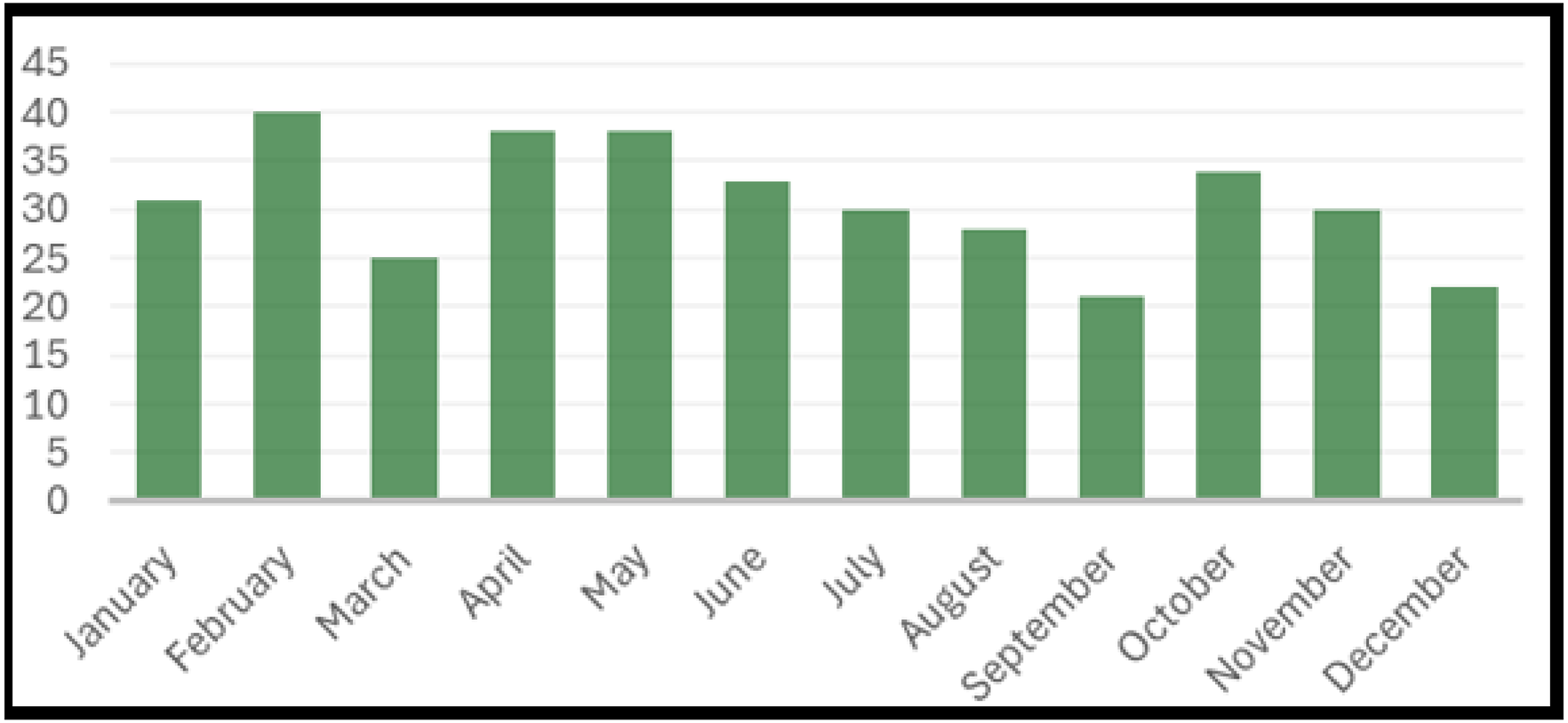
- 1-year: 14.6%
- 2-year: 39.7%
- 3-year: 15.97%
- 4-year: 29.72%

By the numbers – rental licenses and unit counts



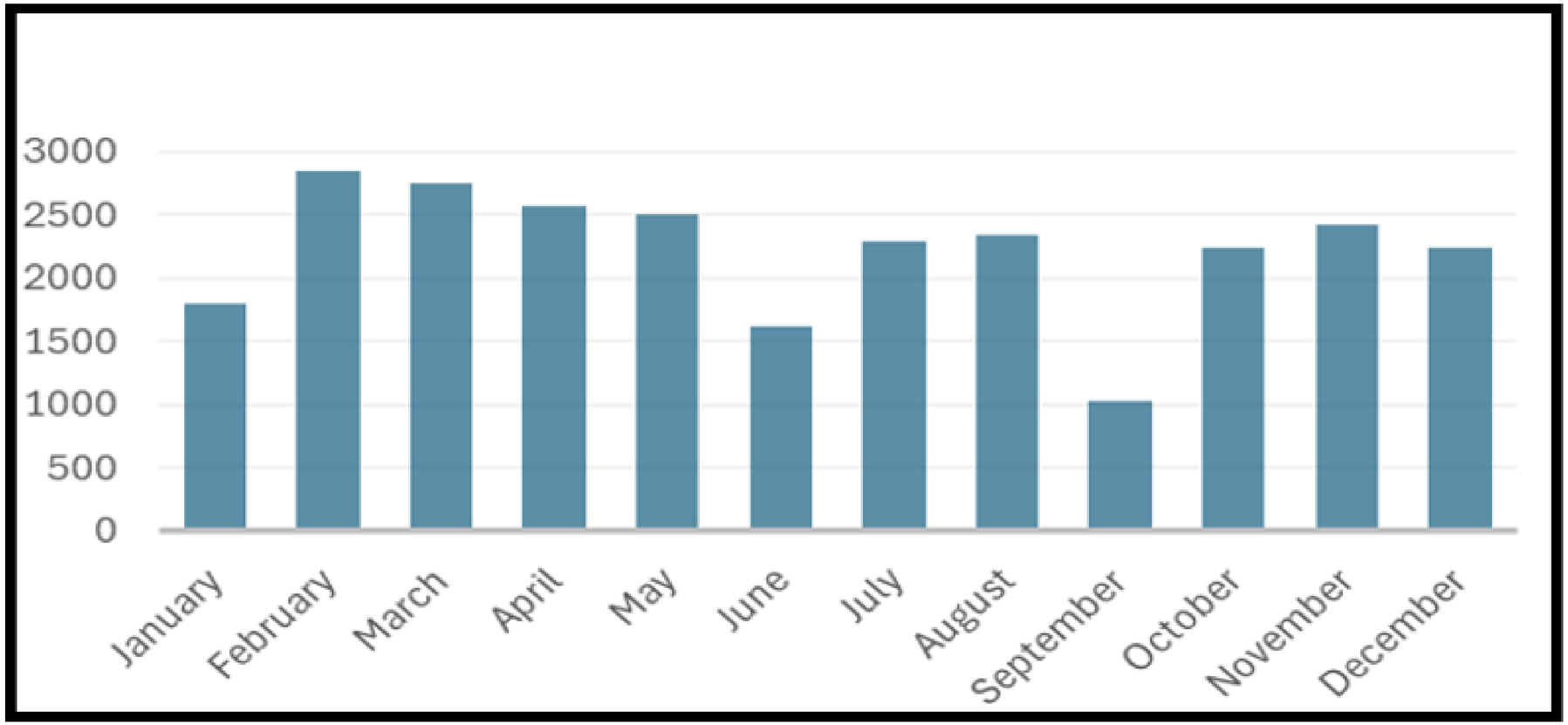
By the numbers

2025 Rental License Applications



By the numbers

2025 Inspections





Housing Code Updates

Rochester Housing Code R.C.O. Chapter 7

Last updated 2023

Proposed updates

Local vs. International

Guiding Sources

2024 International Property Maintenance Code (IPMC)

Housing Code – Chapter 7

MN Building Code

2024 International Residential Code (IRC)

International Code Council (ICC)

Fire code (MN)

HOUSING CODE UPDATES

Internal and external engagement



August 21, 2025

RMHA management committee.

October 22, 2025

RMHA annual in-person event.

October 24, 2025

Email sent to all housing providers.

Sept.-Dec. 2025

Internal team reviewed and bi-weekly meetings.

Dec. '25-Feb. '26

Expanded internal review to outside of Hsg & N.S.

February 13, 2026

Email sent to all housing providers.

February 19, 2026

RMHA management committee.

What does success look like

ROCHESTER COMMUNITY DEVELOPMENT

Pre-Inspection Checklist

This checklist is not all encompassing and should only be used as a general guide in conjunction with the **Complete Pre-Inspection Rundown list.**

Complete Pre-Inspection Rundown

General for All Rooms

- ☐ Flooring throughout the home in good condition without damage; holes, peeling, separation, fraying, etc.
- ☐ No holes in walls, ceilings or doors
- ☐ No peeling, flaking or blistered paint or texture
- ☐ No fogged window glass
- ☐ Screens in place on all windows & doors from June 1 to October 15 without damage. Grade level windows must have screens installed year round.
- ☐ Egress paths must be free of obstructions; bedroom windows & doors, entry & sliding glass doors, etc.
- ☐ All electrical plates for switches, outlets, etc. in place
- ☐ All GFCI outlets throughout the home test and reset
- ☐ Light fixtures properly installed with globes/ lenses and functioning
- ☐ No missing light bulbs
- ☐ No major appliance on extension cords or power strips; fridges, freezers, ACs, sump pumps, water softeners, laundry equipment, etc.
- ☐ No cords ran in a way that they could pose a tripping hazard
- ☐ Every level of a dwelling must have a smoke detector (basement, main, second & attics)
- ☐ Fire extinguishers are required in every building with three or more units, within 75 feet of every entrance door or located in every unit
- ☐ Fire extinguishers are required to be serviced and tagged yearly or replaced yearly
- ☐ Ensure all smoke & CO detectors not expired; 10 years old or older from manufacture date
- ☐ All buildings with RPZs, fire sprinkler, fire alarm panels & lawn irrigation backflow devices are to be serviced & tagged yearly
- ☐ No flexible drain piping on any plumbing fixtures

Mechanical Room

- ☐ Furnace filter installed, correct size, clean and with cover in place
- ☐ Temperature pressure valve and drain valve on water heater not leaking
- ☐ Water heater not leaking
- ☐ Breaker panel has no open breaker slots
- ☐ 36 inch clearance of stored items around fuel burning furnace and water heater
- ☐ Breaker panel needs clearance of 30 inches in width and 36 inches in front of the panel
- ☐ Sump pump cover in place
- ☐ Dryer vent attached with no duct tape at seems and no vinyl flex duct

Garage and Exterior

- ☐ Ensure the laser sensor for the auto reverse on garage door openers are working
- ☐ If the garage is attached to the dwelling, make sure the there are no holes or unsealed penetrations in the fire wall between the garage and the dwelling
- ☐ If your garage has an attic access panel, make sure it is fire rated and in place (do not seal the attic access)

Helpful Tips from Your Inspector

Bring these items to your inspection:

- 9 volt and AA batteries
- Furnace filter
- Extra sink strainer
- Extra lightbulbs
- Disposal wrench
- Step stool

Website: www.rochestermn.gov/rental | **Email:** rbsrental@rochestermn.gov | **Phone:** 507-328-2311

ROCHESTER COMMUNITY DEVELOPMENT

Complete Pre-Inspection Rundown

If you are looking for a less extensive overview, see our **Pre-Inspection Checklist.**

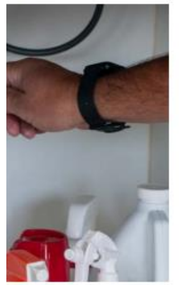
Pre-Inspection Checklist

Life Safety

- Annual fire sprinkler inspections, if applicable
- Annual fire alarm inspections, if applicable
- Annual fire extinguisher inspections or new within the last 12 months (only required in buildings with 3 or more connected units)
  - In rooming houses and multiunit buildings a common fire extinguisher can be used as long as it's within 75 feet of the unit entry doors and no intervening staircases
  - If there is a fire extinguisher on property it needs to be new or have a valid inspection tag whether it's supplied or tenant owned.
- Smoke detectors all less than 10 years old from manufacture date and in every required location
  - In every sleeping room
  - In immediate vicinity outside every sleeping room (recommend within 10 ft. of every sleeping room door to match CO detector requirements)
  - On every level (basement, main, second, attic if accessible with a permanently installed staircase and finished)
  - Installed on ceilings not within 3 feet of ceiling fan blades or vents. Installed on walls between 4-12 inches down from ceiling (recommend measuring down 8 inches to the center of the mounting bracket)
  - Ensure hardwired smoke detectors stay hardwired and are not replaced with battery and likewise hardwired detectors cannot be used in place of battery only smoke detector locations
  - If the smoke detectors are wirelessly interconnected make sure if/when they are replaced they all are still interconnected
- Carbon monoxide (CO) detectors in place within 10 feet of every sleeping room door and less than 10 years old from manufacture date
- Ensure fire wall penetrations are sealed with appropriate fire blocking materials
  - Attached garage ceilings and walls that adjoin the dwelling
  - Garage attic access panels and hatches
  - Mechanical rooms
  - Under stair closets if a door is installed on the closet
- Egress windows, doors & pathways clear
  - Egress windows need to have the openable side fully clear and hardware must not be blocked (cranks and locks on casement windows)
  - Open area on egress windows must be a minimum of 720 square inches for existing windows and 820 square inches for any new or replacement windows. The minimum width of the open area is 20 inches and the minimum height is 24 inches. Sill height, measured from floor to bottom of open area of the window, must not exceed 44 inches on a new window. For existing windows sill height must not exceed 48 inches.



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gov | **Phone:** 507-328-2311

Noteworthy updates



- Removed the offer to rent while waiting for an inspection
- Late compliance fees to start 90 days from license expiration
- What compliance is needed for a single dwelling converting to a multi-unit dwelling
- Measurement details for egress windows

Next steps

Return to City Council for formal adoption









Questions

Title 7 HOUSING CODE

CHAPTER 7-1. GENERAL

Section 7-1. Preface.

The council has investigated and finds the following:

(1) There exists in the city structures used for human habitation which are now or may become in the future substandard with respect to structure, equipment, or maintenance, and such conditions, together with inadequate provisions for light and air, insufficient protection against fire hazards, lack of proper heating, unsanitary conditions, and overcrowding, constitute a danger to the public health, safety and welfare of its citizens.
(2) The existence of such conditions, factors or characteristics adversely affects public health and safety and leads to the extension and aggravation of urban blight.
(3) It is in the best interest of the public health, safety, and welfare of the people of the city to establish and enforce minimum housing standards.

Section 7-1-1. Guiding documents.

This Hhousing Ccode was developed using guidance from both the International Property Maintenance Code and the original City of Rochester Housing Code.

The International Property Maintenance Code (IPMC®) establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement provisions.

The International Codes (I-Codes) developed by the International Code Council, are a family of fifteen (15) coordinated, modern building safety codes, including this International Property Maintenance Code, which help ensure the engineering of safe, sustainable, affordable and resilient structures.

The I-Codes are the most widely accepted, comprehensive set of model codes used in the United States. All fifty states, the District of Columbia, and many other countries have adopted the I-Codes at the state or jurisdictional level.

Section 7-1-2. Responsibilities of the department of community development.

Housing and Neighborhood Services (HNS) ~~The department of community development~~ is hereby given and assigned the responsibility for supervising the administration and enforcement of the provisions of this title, referred to as the “Housing Code of the City of Rochester, Minnesota”. Administration and enforcement of the provisions of the housing code shall be through and by the director of community development and personnel of the HNS ~~department of community development~~. HNS ~~The department of community development~~ is given the additional responsibility of further developing a comprehensive and coordinated program for the improvement of present housing conditions in the city.

Section 7-1-3. Applicability and scope.

Every portion of a building or premises used or intended to be used for dwelling purposes, except hotels, motels, care facilities licensed by the state of Minnesota, ~~rest homes, convalescent homes, hospitals, and nursing homes,~~ shall comply with the provisions of the housing code irrespective of when such building has been constructed, altered or repaired, except as hereinafter provided, and any construction, alteration, or repair thereof or changes of use therein, which are

required by the provisions of the housing code, shall be done in accordance with applicable provisions of the State Bbuilding Ccode. If any provision of the housing code is inconsistent with a comparable and applicable provision of the State Bbuilding Ccode, the provision of the State Bbuilding Ccode shall govern to the extent of such inconsistency. As used in this section, the term "inconsistent" refers to any provisions which are conflicting or contradictory and shall also refer to provisions provided by the State Bbuilding Ccode which are not found in the housing code.

Section 7-1-5. Purpose.

The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein.

Section 7-1-6. Pre-existing dwellings.

Pursuant to State Statute 326B.121, buildings built under and in full compliance with the code in force at the time of construction and properly maintained and used for only such use as originally permitted shall be permitted to continue without change. ~~exempt from the following provisions of the housing code to the extent indicated:~~

~~(1) Minimum floor area requirements in section 7-7-1 are reduced by ten percent.~~
~~(2) Existing means of exit or egress shall be acceptable if approved by the Director of Community Development, notwithstanding the residential building code in accordance with the applicable provisions of the fire code.~~

Section 7-1-7. Conflicts; higher standard to prevail.

Not withstanding Section 7-1-6, ~~In any case~~, where a provision of the housing code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or city code ~~existing on January 31, 2021,~~ the provision that establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

Section 7-1-8. Nuisance authority to continue.

Nothing in the housing code shall be construed or interpreted in any way to impair or limit the authority of the city to define and declare nuisances or of the Director of Community Development, the Chief of Police, or other governmental officials having jurisdiction within the city to cause the removal or abatement of nuisances as authorized by law.

CHAPTER 7-2. DEFINITIONS

Section 7-2-1. Scope.

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

Section 7-2-2. Interchangeability.

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

Section 7-2-3. Terms defined in other codes.

Where terms are not defined in this code and are defined in the State ~~International~~ Building Code, ~~International Existing Building Code~~, State ~~International~~ Fire Code, ~~International Fuel Gas Code, International Mechanical Code,~~ State ~~International~~ Plumbing Code, ~~International Residential Code~~, International Zoning Code or State Electrical Code ~~NFPA 70~~, such terms shall have the meanings ascribed to them as stated in those codes.

Section 7-2-4. Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Section 7-2-5. Parts.

Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

APPEAL means a request to the Board of Appeals for a review and decision on a determination made by a code official.

ANCHORED means secured in a manner that provides positive connection.

APARTMENT means one or more rooms located within a dwelling with facilities, which are used or intended to be used by a single household ~~family~~ for living, sleeping, cooking, and eating.

APPROVED means acceptable to the official code.

BASEMENT means that portion of a building that is partly or completely below grade.

BATHROOM means a room containing plumbing fixtures including a bathtub or shower.

BEDROOM means any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

BOARD means the Board of Appeals.

BUILDING/HOUSING INSPECTOR means the Director of Community Development or any of their authorized representatives and assistants.

CHANGE OF USE means the approved or existing purpose of a property being altered and how it is being occupied. This could require additional zoning and/or building code approval.

CODE OFFICIAL means the official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN means to adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS means the costs shall include the actual costs of the demolition or repair of the structure and less revenue obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

DEPARTMENT OF COMMUNITY DEVELOPMENT means the Department of Community Development at the City.

DETACHED means a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION means to weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, EFFICIENCY means a dwelling unit where all permanent provisions for living, sleeping, eating, and cooking are contained in a single room.

EASEMENT means that portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

EFFICIENCY APARTMENT means an apartment consisting of not more than one habitable room with a kitchenette and sanitary facilities.

EMERGENCY ESCAPE AND RESCUE OPEING: An operable exterior window door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

EQUIPMENT SUPPORT means those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snugger, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERMINATION means 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 spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the extermination professional.

EXTERIOR PREMISES means that part of a residential lot or property that is not covered by an enclosed building or structure, regardless of whether the view from outside the property is shielded by a fence, vegetation or other structure. The term “Exterior Premises” includes, but is not limited to the yard, open porches, and areas under structures that are not entirely enclosed, such as a carport.

EXTERIOR PROPERTY means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

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

GUARD means a building component, or a system of building components located at or near the open sides of elevated walking surfaces, which minimize the possibility of a fall from the walking surface to a lower level.

GRADE means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above ground level shall be measured at the sidewalk.

HABITABLE SPACE means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, unfinished attics, and similar areas are not considered habitable spaces.

HISTORIC BUILDING means any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEHOLD ~~FAMILY~~ is defined as:

1. One or more individuals related by blood, marriage, guardianship, foster placement or adoption.
2. A group of not more than five persons, some of all or who are related by blood, marriage, guardianship, foster placement, or adoption, occupying a single dwelling unit or
3. Any group of people whose right to live together as a household is protected by the Federal Fair Housing Amendment Act as amended and interpreted by the courts.

HOUSEKEEPING UNIT means a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking, and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

HOUSING CODE means the housing code of the city contained in this title, also referred to as code throughout.

IMMINENT DANGER means a condition that could cause serious or life-threatening injury or death at any time.

INFESTATION means the presence, within or contiguous to, a structure or premises of insects, rodents, vermin, or other pests.

INOPERABLE MOTOR VEHICLE means a vehicle that cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

IPMC means International Property Maintenance Code.

KITCHEN OR KITCHENETTE means a room or area intended to store and prepare food and including the fixtures and appliances required to facilitate the sanitation of food, food preparation areas, and cooking appliances and utensils. The room or area must include an approved sink, refrigerator, and cook range, and/or microwave oven.

LABELED means equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, approved agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY OR LET means to permit, provide, or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT means the lack of proper maintenance for a building or structure.

NON-CONFORMING means a property, structure, or land use that does not comply with current building and/or zoning regulations but was lawful when established. Known as "grandfathered" use, these properties can generally continue to operate, though they often have restrictions on rebuilding, expanding, or renovating if damaged or sold.

OCCUPANCY means the purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT means any individual living or sleeping in a building or having possession of a space within a building.

OPENABLE AREA means that part of a window, skylight or door which is available for unobstructed ventilation, and which opens directly to the outdoors.

OPERATOR means any person who has charge, care or control of a structure or premises that is let or offered for occupancy.

OWNER means any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PEER REVIEW: An independent and objective technical review conducted by an approved third party.

PERSON means an individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods. A professional exterminator may be required dependent on the infestation.

PLUMBING means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

PREMISES means a lot, plot or parcel of land, easement, or public way, including any structures thereon.

PUBLIC WAY means any street, alley, or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than ten feet (3,048 mm).

REFUSE means all types of garbage, rubbish, and residential solid waste.

ROOMING HOUSE means a building designed as a detached one-household ~~family~~ dwelling, containing habitable units providing sleeping and/or living accommodations but not eating or cooking accommodations, for three or more individuals who are not members of the owner's or operator's related household ~~family~~. Meals may or may not be provided as part of the services included as compensation.

ROOMING UNIT OR SINGLE OCCUPANCY *UNIT (SRO)* means permitted if it satisfies all the following:

1. The SRO unit must have a habitable room of not less than 120 square feet of superficial floor area. An additional 50 square feet of superficial floor area must be provided for each occupant, more than two.
2. The SRO unit shall not contain a kitchen or kitchenette. A refrigerator and/or microwave oven may be used within the unit. Heat producing food preparation appliances, including, but not limited to, stoves, hot plates, electric fry pans, crockpots, and toaster ovens, shall not be used or stored within the unit.
3. The SRO unit must be provided with a separate bathroom meeting the requirements of the code or shared facilities in accordance with the fixture requirements of the building code in effect at the time of issuance of the initial registration certificate.

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

SINGLE ROOM OCCUPANCY (SRO) UNIT means any room or group of rooms forming a single habitable unit used or intended to be used for living, sleeping, and eating, with a lease period of at least 30 days.

SLEEPING UNIT means room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE means an offense in which prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act, which was prohibited, or failed to do an act, which the defendant was legally required to do.

STRUCTURE means that which is built or constructed.

TENANT means a person, corporation, partnership, or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

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

TEMPORARY HOUSING on private property means any tent, trailer, or other structure used for human shelter designed to be transportable and which is not permanently attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 ~~consecutive~~ days in a calendar year.

TOILET ROOM means a room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION means the deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WATER CLOSET means a room containing a flush toilet.

WORKMANLIKE STATE OF MAINTENANCE OR REPAIR means a state of maintenance or repair which reasonably approximates the standard of construction, fabrication, strength, functional utility, durability, surface appearance, and surface composition found in similar work products of professional craftsman performing similar work in the community.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD means an open space on the same lot with a structure.

CHAPTER 7-3. RENTAL UNIT REGISTRATION

Section 7-3-1. Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appropriate action means the action which a reasonable rental property owner would take based upon the facts and circumstances of each case so as to prevent a reoccurrence of the disorderly use.

Disorderly or disorderly use means conduct occurring on the licensed premises, which violates a provision of section 7-3-19.

License means a registration certificate or the right to receive a registration certificate as required by this chapter.

Licensed premises or premises means the property owned, operated, or managed by a rental property owner and shall refer to an individual unit within a multi-unit complex when applicable.

Rental property owner means one who holds the license or who is otherwise obligated to obtain and maintain the license as required by this chapter.

Section 7-3-2. Registration certificate required.

1. Except as permitted in subsection ~~(2) or~~ (3) of this section, no owner shall allow another person to occupy, nor shall any person rent or offer to rent to another for occupancy, any dwelling, or any apartment or rooming unit in any dwelling, without first obtaining a registration certificate as provided in this chapter. This registration certificate is also referred to within this chapter as a rental license or license. Any registration certificate obtained pursuant to this section shall be issued in the name of the owner. In the case of a multiple unit dwelling, a registration certificate issued pursuant to this section includes and applies to both the entire dwelling as well as each individual rental unit within the dwelling. Any suspension or revocation of the registration certificate or the right to receive a registration certificate may involve the entire dwelling or an individual unit within the dwelling.
2. ~~The offer to rent to another may be extended prior to issuance of a registration certificate provided an application for a registration certificate has been properly filed with the director. An application may be classified as pending for up to 90 days without payment of all fees.~~ All applicable fees must be paid before an inspection can be scheduled.
3. The property is confirmed as a homestead property through tax records, is documented under a trust, or is a recorded contract for deed through property tax records.
4. The occupancy or rental of any dwelling, or any apartment or rooming unit in any dwelling for which a registration certificate is required, need not be interrupted or suspended for lack of a registration certificate if the same is due to the inability of the director to process the application in a timely manner, or if the owner is in the process of complying with a notice of deficiencies from the director within the period of time authorized by the director.

5. For purposes of this chapter, the term "director" means the director of the Community Development Department or the director's designee.
6. When the owner of the dwelling is not a resident or does not maintain a corporate office in the state, the owner must appoint a resident agent residing in the state to accept service of process or any other document in any action or proceeding related to the dwelling. In addition, when the owner of the dwelling is not a resident of Houston, Winona, Fillmore, Olmsted, Goodhue, Dodge, Mower or Wabasha County, the owner must appoint a property manager residing in one of the above counties to act as the owner's agent in managing and supervising the dwelling. The resident agent and the property manager may be the same person. The resident agent cannot be a tenant occupying the dwelling, unless they are employed by the property management company. The resident agent and the property manager must sign the application for the registration certificate. The owner may not change the identity or the location of the resident agent or property manager without first obtaining an amended registration certificate reflecting the changed information.

   ~~Notwithstanding any provision of this section to the contrary, an owner who allows a person to occupy a vacant dwelling that is on the real estate market for sale in order to provide property maintenance services is not required to obtain a registration certificate. The term "property maintenance services" means dwelling caretaking and maintenance duties, including, but not limited to, yard maintenance, snow removal, turning on necessary utility services, turning off unnecessary utility services, and the prevention of intruders, vandals and trespassers. No construction is included in "property maintenance services".~~
7. An owner seeking to rely on subsection (6) of this section in order to be exempted from the registration certificate requirement must comply with all of the following conditions:
   a. The owner must list the vacant dwelling for sale in the multiple listing service real estate market.
   b. The owner must contract with a licensed real estate company registered to do business in the state that performs property maintenance services for dwellings listed for sale.

      ~~The owner and the real estate company performing property maintenance services must register with, and obtain an exemption from registration from, the Community Development Department. The registration and exemption is valid for six months and may be renewed.~~
   c. The dwelling must be a single-<u>household</u> ~~family~~ dwelling, or a single unit of condominium or townhouse.
   d. An owner, other than a lending institution selling foreclosed properties, is permitted one exemption.

Section 7-3-3. Application for registration certificate.

An application for a registration certification shall be filed by the owner, or the owner's agent with the director. An application for any dwelling to be converted to a use requiring a registration certificate shall be made and filed with the director at least 30 days prior to such conversion.

Section 7-3-4. Application forms.

The director must supply application forms for registration certificates.

Section 7-3-5. Applications.

Each application for registration certificate shall contain the following information:

(1) Name, residence address, telephone number, date of birth, and signature of the owner of the dwelling. In lieu of the owner's signature, the owner may provide a certification authorizing the property manager to execute documents on the owner's behalf. If the owner is a partnership, the name of the partnership, and the name, residence address, telephone number, and date of birth of the managing partner. If the owner is a corporation, the name and address of the corporation, and the name, address, telephone number, and date of birth of the chief operating officer. If the dwelling is being sold on a contract for deed, the name and address of the contract vendee must appear. Where the term "owner" is used in any part of the city housing code, it shall include all persons as outlined in this section.

(2) Name, residence address, telephone number, date of birth and signature of any agent appointed by the owner to accept service of process and to receive or give receipt for notices.
(3) Name, residence address, telephone number, date of birth and signature of any property manager, operator or agent actively involved in maintenance or management of said dwelling.
(4) Legal street address of the dwelling.
(5) Complete details of the number and kind of units offered for rent, classified as to the type of unit on the application, and the facilities incorporated in such rental units.
(6) Any person making application for a rental registration certificate must provide proof of identification by the use of a driver's license, state-issued identification card, military identification card, or such other identification as is acceptable to the director. The identification provided must set forth the full name and date of birth of the person making the application.
(7) An acknowledgment that the applicant has reviewed and understands the provisions of this chapter, intends to abide by the provisions and will include reference to this chapter in any written lease used in renting the property.

Section 7-3-6. Registration certificate standards.

(1) No person may be issued a registration certificate unless they satisfy the standards provided in this section. Failure to comply with any of these standards at any time shall be adequate grounds for the denial, refusal to renew, suspension or revocation of a registration certificate, or the imposition of a fine upon the licensee or applicant consistent with section 7-3-20. Except where specifically noted, it is not necessary for a criminal conviction to exist in order to support a determination that a violation of a standard has occurred. Any suspension or revocation sanction imposed pursuant to this section must be limited to the licensee's or applicant's registration certificate, or the licensee's or applicant's right to obtain a registration certificate, for the noncompliant property.

(2) As used in this chapter, the term "licensee or applicant" means:
  (a) An owner of property who possesses or applies for a registration certificate.
  (b) An owner of property seeking to renew a registration certificate; and
  (c) Either of those persons' agents, employees or representatives.

(3) A registration certificate shall be issued if:
  (a) The licensee's or applicant's application form contains facts that permit issuance of the certificate in compliance with all applicable state laws and city ordinances.
  (b) The licensee or applicant has paid the required license or reinspection fee.
  (c) The licensee or applicant has not intentionally made inaccurate or incorrect representations of material facts on the application form. The licensee or applicant has not intentionally made inaccurate or incorrect oral or written representations to a city official regarding the rental dwelling unit or the ownership of the rental dwelling unit.
  (d) Rental dwelling units do not exceed the maximum number of dwelling units permitted by this Code.
  (e) No rental dwelling or rental dwelling unit is over occupied or illegally occupied in violation of this Code.
  (f) The licensee or applicant has not allowed weeds, vegetation, junk, debris or rubbish to accumulate repeatedly on the exterior of the dwelling so as to create a nuisance condition under chapter 8-3. The term "repeatedly" refers to those situations when the city was required to abate such nuisance under chapter 8-3 more than two times during a 12-month period.
  (g) The dwelling complies with all federal, state and city laws and ordinances.
  (h) The licensee or applicant allows the city to perform rental inspections.
  (i) The licensee or applicant maintains a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation of such unit within the building. The register is kept current at all

times. The licensee has designated the person who has possession of the register and shall inform the director of the location at which the register is kept. The register is always available for review by the director or their ~~his~~ authorized representatives.

(j) The licensee or applicant has no delinquent property taxes or assessments on the rental dwelling and is not delinquent on any financial obligations owing to the city unless reasonable payment arrangement has been reached.

(k) The licensee or applicant is not the subject of a pending administrative or criminal proceeding initiated pursuant to this chapter.

(l) The licensee or applicant has no direct personal or financial interest in a registration certificate that is currently suspended pursuant to this chapter.

(m) The licensee or applicant has no legal or equitable interest in a person whose right to apply and receive a registration certificate is currently suspended or revoked pursuant to this chapter.

(n) The licensee or applicant has no legal or equitable interest in two or more registration certificates revoked, suspended or any combination thereof, pursuant to this chapter, during the past five years.

(o) The licensee or applicant has not had within the past two years four violations of section 7-3-2(1) (allowing a dwelling to be occupied or rented without first obtaining a registration certificate).

(p) The licensee's or applicant's actions have not created a threat or danger to the public's health, safety or welfare as it relates to the property.

(q) The licensee or applicant has not allowed the dwelling to be used in such a manner as to constitute a breach of the peace, a menace to the public's health, safety or welfare, or an unreasonable disturbance to the peace and comfort of the city's residents as it relates to the property.

(r) The licensee or applicant has not intimidated or retaliated, or made any threat of eviction or retaliation, against a tenant solely and exclusively because the tenant made or filed, or threatened to make or file, a complaint with the community development, police or fire departments regarding the rental dwelling unit and any matter within either of the department's jurisdiction.

(s) The licensee or applicant has completed either the landlord public safety seminar. ~~or phase I of the crime free multi-housing program. or has submitted a comparable certificate from a crime free multi- housing program from another jurisdiction.~~ A licensee or applicant satisfies this requirement by proof that its management company has completed this program. ~~Existing license holders must satisfy this requirement by October 31, 2011.~~

Section 7-3-7. Compliance with zoning requirements.

A certificate approved ~~issued~~ by the zoning administrator indicating that the dwelling's proposed use is in compliance with all city zoning requirements is included in ~~must accompany~~ every application for a registration certificate.

Section 7-3-8. Investigation.

The director shall investigate all applications for the registration certificate to verify that the dwellings, apartments, or rooming units that are non-owner occupied comply with the provisions of this Code, including any provision of the zoning, building, fire safety, or health ordinances applicable in Sections 7-1-3 and 7-1-7.

Section 7-3-9. Issuance and posting of registration certificate.

The director must issue a registration certificate whenever the investigation of an application indicates that the dwellings, apartments, or rooming units offered for rent comply with all provisions of this Code, including any provisions of the zoning, building, fire safety, or health ordinances applicable in Sections 7-1-3 and 7-1-7. Every registrant of a dwelling, apartment or rooming unit offered for rent shall post the registration certificate in a conspicuous place.

Section 7-3-10. Notice of violation.

The director must serve notice to the applicant, as required by Section 7-6-9, whenever the director's investigation of an application for registration certificate indicates that the dwelling, apartment or rooming unit that is non-owner occupied does not comply with the provisions of this Code. Additionally, owners of rental property must give notice of outstanding violations under Section 7-3-20 to purchasers of such property.

Section 7-3-11. Rejection of application.

Whenever the investigation of an application for a registration certificate indicates that the dwelling, apartment or rooming unit does not comply with the provisions of this Code, and from the nature of the violations, the dwelling, apartment or rooming unit cannot be brought up to meet the minimum requirements, the director shall return the application to the applicant stating the reasons for the rejection of the application.

Section 7-3-12. Appeals.

Any applicant whose application for registration certificate has been rejected by the director, may request and shall be granted a hearing in the matter before the board of appeals under the procedures found in Section 7-6-13.

Section 7-3-13. Failure to register.

Every person required to register a dwelling, apartment, or rooming unit under the provisions of this chapter, and who fails to do so, or who allows the property to be occupied when the registration certificate or right to receive such registration certificate is revoked or suspended, shall be guilty of a violation of this Code. Each day that a property is rented out without a valid rental registration certificate on file for that property is a separate violation. A violation of this section shall be penalized as noted below: ~~in section 7-3-6(8).~~

1. For new customers that do not have existing rentals or have not had rentals in the past 5 years:
    a. First Written Warning
    b. Notice of Violation with a $250 fee
    c. Final Notice of Violation with an additional $500 fee
    d. Referral for legal action – Misdemeanor punishable by up to a $1,000 fine, 90 days in jail, or both.

2. For existing customers that have had rentals in the last 5 years or have rentals listed under different LLC's or different management companies:
    a. Notice of Violation with a $250 fee
    b. Final Notice of Violation with an additional $500 fee
    c. Referral for legal action – Misdemeanor punishable by up to a $1,000 fine, 90 days in jail, or both.

Section 7-3-14. Certificate renewal and transferability.

(1) Registration certificates will be placed on one-year, two-year, three-year, or four-year inspection cycle pending the last inspection scoring, which is determined upon number and priority of violations. All information required by Section 7-3-3 must be submitted at the time of renewal.
(2) Every person who transfers title to property registered under this chapter shall provide the director with the name, residence address, telephone number, and date of the transfer of title to the new owner within ten days of the date of such transfer. Within 30 days of the date of such transfer, the new owner or their agent shall make application to transfer the registration certificate to the new owner. A rental certificate transfer fee as listed in the city's fee schedule ~~of $20.00~~ must be paid at the time that the application for transfer is submitted to the director. In the case of an option contract (contract for deed) where the holder of the option is collecting rents and/or is paying on the mortgage to the property while the option remains unexercised, the holder of the option shall be deemed to be the

owner of the property for purposes of this section and shall be required to apply for a rental registration certificate in ~~their~~ ~~his~~ name. The date the option contract is created shall be deemed to be the date the holder of the option becomes the owner for purposes of this section.

Section 7-3-15. Rental certificate transfer.

(1) Within 90 ~~30~~ days, the new owner or their agent who transfers the title to a property registered under this chapter shall make an application to transfer the registration certificate to the new owner. A rental certificate transfer fee must be paid at the time that the application for transfer is submitted to the director. In the case of an option contract (contract for deed) where the holder of the option is collecting rents and/or is paying on the mortgage to the property while the option remains unexercised, the holder of the option shall be deemed to be the owner of the property for purposes of this section and shall be required to apply for a rental registration certificate in their name. The date the option contract is created shall be deemed to be the date the holder of the option becomes the owner for purposes of this section.

(2) All fees collected under this chapter shall be paid to the city director of finance. If transfer of rental certificate is not completed within 90 days of purchase, all fees associated with the property will be assessed to the new property owner.

(3) See fee schedule Section 7-5-4.

Section 7-3-16. Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order, any outstanding fees, or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Section 7-3-17. Suspension or revocation of registration certificate.

1. Any registration certificate issued by the city may be denied, allowed to expire without renewal, suspended or revoked, or the licensee or applicant may be fined consistent with Section 7-3-19, upon a finding, based upon a preponderance of the evidence presented at a public hearing, that the certificate holder, during the term of the certificate, failed to comply with any provision of this title or C~~c~~hapter 8-2, any applicable federal or state statute or administrative rule, or any other city or county ordinance. The failure to obtain an amended registration certificate showing the changed name or location of a resident agent or property manager, as required by section 7-3-2, and the failure to comply with any of the registration certificate standards provided in section 7-3-6 are also a basis for any of the actions provided for in this section. The council may postpone or discontinue an action to deny, not renew, revoke or suspend a registration certificate, or fine a licensee or applicant, if it appears the licensee or applicant has taken appropriate measures, including a failed eviction process, which will correct the violation.
2. This section applies to individual units within buildings or complexes containing multiple units when the noncompliance occurs within a unit. This section applies to a public area covered by a registration certificate when the noncompliance occurs within a public area. For purposes of this chapter, the term "public area" shall have the meaning provided in Section 7-14 and the term "applicable federal or state statute or administrative rule, or any other city or county ordinance" means any such law or ordinance that involves the protection and security of the public's health, welfare or safety.
3. A person's right to apply and receive a registration certificate may be suspended or revoked upon a finding, based upon a preponderance of the evidence presented at a public hearing, that the applicant has allowed a person to

occupy, or has rented or has offered to rent to another for occupancy, any dwelling, or any apartment or rooming unit in any dwelling, without first obtaining a registration certificate as required by this chapter. The council may postpone or discontinue an action to deny, not renew, revoke or suspend a registration certificate, or too fine a licensee or applicant, if it appears the licensee or applicant has taken appropriate measures, including a failed eviction process, which will correct the violation.

4. Upon the community development director's determination that a reasonable basis exists to seek the suspension or revocation of a registration certificate, right to obtain a certificate, or to seek the imposition of a fine or other sanction, the director shall cause a hearing to be held before the rental housing complaint board. This board consists of the common council member representing the ward in which the noncompliance occurred, the common council president and the mayor. All parties must be given an opportunity to appear at the hearing after receiving reasonable notice. The notice must state the time, place and issues involved. At the hearing, the certificate holder may present evidence of mitigating circumstances showing the absence of any need for a public hearing before the common council to consider the revocation or suspension of the certificate, the right to obtain a certificate, or the imposition of fines or other sanctions. The board must, in good faith, hear and consider this evidence in making its recommendation as to the need for a public hearing.
5. At the conclusion of the hearing, the board must make a recommendation to the common council as to whether there is a need for a public hearing to consider the suspension or revocation of the certificate or the right to obtain a certificate. The board's recommendation must be submitted to the council for its consideration. If the council determines there is a need for the council to hold a public hearing to consider the suspension or revocation of a certificate, or the right to obtain a certificate, or the imposition of a fine or other sanction, the council must follow the procedure provided in subsection (g) of this section.
6. No such suspension or revocation shall be effective until the certificate holder has been afforded an opportunity for a hearing under Minn. Stats. §§ 14.57—14.69. All parties must be given an opportunity to appear at the hearing after receiving reasonable notice. The notice must state the time, place and issues involved. The certificate holder may present evidence of mitigating circumstances that would allow the certificate holder to retain the certificate or the right to obtain a certificate. The common council must, in good faith, hear and consider this evidence in arriving at its final order.
7. Upon finding that the certificate holder, licensee or applicant has violated any such statute, rule or ordinance, the common council may impose any of the following sanctions:
    a. Suspend the registration certificate, or the right to obtain a certificate, for a period not to exceed two years. From the time the suspension expires until the time the certificate is scheduled to expire, if applicable, the certificate holder will be on probation subject to compliance with all federal, state and local laws and ordinances. If the certificate holder violates any such law or ordinance during the time of probation, the council must hold another hearing to consider the revocation of the certificate.
    b. Revoke the rental registration certificate, or the right to obtain a certificate, and establish a time after which the certificate holder or applicant may apply for a new certificate for the premises in question. The revocation period may not exceed five years.
    c. Impose a civil fine not to exceed $1,000.00 for each violation that occurred.
    d. Place the certificate holder or applicant on probation for a time not to exceed one year. During the probation, the certificate holder or applicant must comply with all federal, state and local laws and ordinances as well as any other reasonable condition imposed by the council designed to gain compliance with applicable laws. If the certificate holder or applicant violates any of the terms of probation, the council must hold a hearing to consider the suspension or revocation of the certificate or the right to obtain a certificate.
8. Upon expiration of a suspension or probation time, a certificate holder must pay to the city a re-instatement fee ~~of~~ ~~$100.00~~ for the first unit or public area to be re-inspected and re-licensed and a fee ~~$20.00~~ for each additional unit or public area to be re-inspected and re-licensed. All fees associated with this are listed in the city's fee schedule.

Section 7-3-18. Legislative intent.

1. It is declared to be the purpose and intent of sections 7-3-19 through 7-3-20 to protect and preserve this city's neighborhoods and the public health, safety, welfare and morals of those who live there. The common council determined that:

    a. There are persons residing in rental property in the city engaging in disorderly conduct which results in a hostile environment for other citizens living close to the rental property.
    b. There is currently no city ordinance which provides a formal procedure by which the city can notify a rental property owner or manager of the disorderly conduct occurring on the property.
    c. There is currently no procedure by which the city can require a rental property owner or manager to respond to and resolve the occurrences of disorderly conduct occurring on their rental property and to take administrative action against their rental registration certificate or right to obtain a rental registration certificate should he fail to do so.

2. Accordingly, it is the intent of sections 7-3-19 through 7-3-20 to address the serious and, at times, life-threatening problems posed by the occurrence of disorderly conduct to the health and safety of all city residents in all portions of the city. At the same time, the common council recognizes, acknowledges, and complies with all due process and property rights enjoyed by those who own or manage rental property as well as those who reside in such property. This title represents the city's good faith effort to balance those competing and legitimate interests.

Section 7-3-19. Conduct on licensed premises.

(1) Any rental property owner shall be responsible to take appropriate action against persons occupying specific units in the licensed premises who conduct themselves in such a manner as to cause the premises to be disorderly in violation of the statutes or ordinances listed in subsection (2) of this section. For purposes of this section, the term "persons occupying the premises" includes tenants and those persons on the licensed premises whose presence the tenant has invited or to which the tenant has acquiesced. Violations of this section apply to individual units within buildings or complexes containing multiple units when the conduct occurs within a unit. Violations of this section by persons occupying specific units that occur within a common area of the licensed premises shall apply both to the individual unit and to the common area of the licensed premises.

(2) The following ordinances and statutes are applicable to this section:

(a) Minn. Stats. § 609.324 prohibiting prostitution;
~~(b) Section 8-7-1 prohibiting indecent conduct;~~
(c) Section 8-7-6 prohibiting participation in a disorderly house;
(d) Minn. Stats. §§ 617.23~~—617.299~~ prohibiting indecent exposure ~~obscenity;~~
(e) Section 8-7-8 noises prohibited; ~~prohibiting loud parties or gatherings or other unnecessary loud noises;~~
(f) Chapter 7-15-5 prohibiting overcrowding;
(g) Minn. Stats. §§ 609.75—609.76, which prohibit gambling;
(h) Minn. Stats. §§ 152.01; 152.022-152.025, which prohibit unlawful possession or unlawful sale of controlled substances;
(i) Minn. Stats. Ch. 340A.503, which prohibits the unlawful sale, use or possession of alcoholic beverages for persons under the age of 21;
(j) Minn. Stats. §§ 97B.021, ~~97B.045~~, 609.66~~—609.67 and 624.712—~~ and 624-713, ~~624.716~~, which prohibit the unlawful possession, ~~transportation, sale~~, or use of a weapon;
(k) Minn. Stats. § 609.72, which prohibits disorderly conduct; or
(l) Minn. Stats. §§ 609.221, 609.222, 609.223, 609.2231, and 609.224, which prohibit assaults, ~~except that domestic assaults, as the same are defined by state law, are not included herein~~.

(3) The police or director shall be charged with the responsibility of enforcing subsection (b) of this section.

(4) Upon determination by the police or housing inspector that the licensed premises were involved in disorderly use, the police shall notify the license holder by delivering electronically or by regular mail of such violation and direct the license holder to take appropriate action to prevent further violations. Notice shall be effective if mailed to the license holder at that person's last-known address. This and subsequent notices are collectively referred to as disorderly use notices.

(5) If another instance of disorderly use on the premises occurs within 12 months of an incident for which a prior disorderly use notice was given, the license holder shall be notified of the instance of disorderly use and shall also be required to submit a written report of appropriate actions taken by the rental property owner to prevent further disorderly use of the premises. This written report shall be submitted to the police within 10 business ~~five~~ days of the notice of disorderly use of the premises and shall, in addition to the report of appropriate actions to be taken, detail all actions taken by the rental property owner in response to all notices of disorderly use of the premises within the preceding 12 months. Failure to submit the written report as required herein shall be a basis for the imposition of a fine and the revocation or suspension of the license or right to receive the license for the specific units located on the licensed premises as otherwise provided for in this chapter.

(6) If another instance of disorderly use of the premises occurs within 12 months of two or more prior disorderly use notices, the license or right to obtain such license may be revoked or suspended for a specific unit located on the licensed premises. If the notice of violation has been issued with respect to a common area of a building or complex of buildings, then the license or right to obtain such license as to all units in such building or complex may be suspended or revoked.

(7) If another instance of disorderly use of the premises occurs within 12 months of the expiration of a prior suspension issued pursuant to the provisions of this section, the license or right to obtain such license may be revoked or suspended for the specific units located on the licensed premises. If the notice of violation has been issued with respect to a common area of a building or complex of buildings, then the license or right to obtain such license as to all units in such building or complex may be suspended or revoked.

(8) No suspension or revocation or other sanctions shall be imposed where one or more of the three required disorderly use notices were emailed, mailed or delivered to the landlord after the rental property owner has filed an unlawful detainer action with the district court for the unit identified in the disorderly use notice. Calls to police made by rental property owners shall not be considered incidents of disorderly use in the implementation of subsections (d) through (f) of this section. The initiation of an unlawful detainer action shall not be a bar to sanctions, however, unless the action is diligently pursued by the rental property owner. Notice of and a copy of the unlawful detainer action shall be delivered to the police department. A determination that the licensed premises have been involved in a disorderly use as described in subsection (b) of this section shall be made upon a preponderance of the evidence. It shall not be necessary that criminal charges be brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

(9) This section applies to all leases, whether written or oral, and a landlord may consider any tenant's conduct listed in subsection (b) of this section to be both a material breach of the lease and grounds for termination in any unlawful detainer action. Additionally, all written leases executed ~~after August 31, 1995,~~ shall contain a clause providing that conduct that violates subsection (b) of this section constitutes both a material breach of the lease and grounds for termination of such lease.

(10) This section is not intended to supersede criminal sanctions that may be applied to the individual who violates the statutes and ordinances listed in subsection (b) of this section.

(11) A purchaser of rental property against which there is an outstanding first or second disorderly use notice takes the property subject to that notice. The purchaser may petition the common council to have one or both of those notices stricken. In considering the petition, the common council shall consider the recommendations of the crime prevention unit and Community Development Department, and shall strike one or both of the previous disorderly use notices if such action promotes the public's health, welfare and safety interests. Examples of actions that promote the public's health, welfare and safety include, but are not limited to:

(a) The need for a change in ownership of rental property that has a history of ordinance or state law violations;
(b) The implementation of new and positive rental practices, operations or policies;
(c) The attendance at the public safety seminar ~~crime free multi-housing program~~; and
(d) The use of beneficial lease agreement terms (such as requiring background checks and allowing for eviction upon the occurrence of a disorderly use).
(e) Consistent with Minn. Stats. § 504B.205, subd. 3, nothing in this section:
(f) Requires an eviction after a specified number of calls by a residential tenant for police or emergency assistance in response to domestic abuse or any other conduct; or
(g) Provides that calls by a residential tenant for police or emergency assistance in response to domestic abuse or any other conduct may be used to penalize or assess a fine to a landlord.

Section 7-3-20. License suspension and revocation.

(1) Upon a determination that a license or right to obtain such a license may be suspended or revoked, or that a fine or other sanctions may be imposed, a public hearing shall be held before a body to be known as the rental housing complaint board. The rental housing complaint board shall consist of the common council member from the ward in which the licensed premises is located, the common council president, and the mayor. All parties shall be afforded an opportunity to appear at such hearing after receiving reasonable notice. The notice shall state the time, place, and issues involved. At this hearing, rental property owners may present evidence of mitigating circumstances showing the absence of any need for a public hearing before the council to consider the revocation or suspension of the license or right to receive such a license, or the imposition of fines or other sanctions.

(a) Mitigating circumstances may include, but are not limited to, the following:

1. The license holder has initiated action to remove or evict the tenant;
2. The license holder has participated in the police department's crime free multi-housing program;
3. The license holder was not the property owner at the time the disorderly use notices were issued;
4. The license holder has taken action to update the lease consistent with this chapter's requirements;
5. The license holder has initiated background checks of potential tenants; or
6. The license holder has taken other action to monitor or positively impact the tenant's conduct.

(2) The board shall, in good faith, hear and consider this evidence in deciding to hold a public hearing. At the conclusion of the hearing, the board shall make a recommendation to the common council regarding whether a need exists for a public hearing. The board's recommendation must be submitted to the common council for its consideration. If the council determines to call for a public hearing to consider the issue of suspension or revocation, or the imposition of a fine, the council shall follow the procedures described in subsection (d) of this section.

(3) No suspension or revocation shall be effective until the rental property owner has been afforded an opportunity for a hearing under Minn. Stats. §§ 14.57—14.69. Should the common council hold a public hearing pursuant to the recommendation of the rental housing complaint board, all parties shall be afforded an opportunity to appear at such hearing after receiving reasonable notice. The notice shall state the time, place, and issues involved. At this hearing, license holders may present evidence of mitigating circumstances that would allow a rental property to retain its license or the right to obtain such a license. The common council shall, in good faith, hear and consider this evidence in deciding to revoke or suspend the license or right to receive a license, impose civil penalties, or impose other reasonable conditions based upon violations of this chapter. The common council may postpone or discontinue such proceedings if it appears that the licensee has taken appropriate measures that will prevent further instances of disorderly use.

(4) The common council reserves the right to impose any of the following sanctions for violations of section 7-3-19:

(a) Suspend the license or right to receive a license for up to 60 days;
(b) Revoke the license or right to receive a license and establish the time frame after which an application for a new certificate for the premises may be made;
(c) Impose a civil fine not to exceed an amount equal to one months' rent for each violation found because of the hearings; or
(d) Impose other reasonable conditions intended to limit future incidents of disorderly use.
    1. The council may also stay the suspension or revocation of a license or right to receive a license upon the license holder's compliance with the terms of the council's order.

(5) Upon expiration of the suspension or revocation period, a license holder shall pay to the city a reinstatement fee ~~equal to $100.00~~ for the first unit re-licensed and a fee ~~$20.00~~ for each additional unit. All fees associated with this are listed in the city's fee schedule.

(6) Upon the expiration of the suspension or revocation period and the license holder's compliance with such other sanctions imposed, the disorderly use notices that formed the basis for the sanctions shall be stricken and not considered in any subsequent proceeding under this section.

Section 7-3-21. Prospective tenant background investigations.

(1) The common council has determined that there are persons residing in rental property in the city engaging in disorderly conduct which results in a hostile environment for other citizens living in or close to the rental property. It is the declared purpose and intent of this section to protect and preserve the city's neighborhoods and the public health, safety, welfare and morals of its citizens by providing a system at the local level for criminal history/background investigations of prospective tenants.
(2) Any owner of rental property may request that the police department conduct a criminal history/background investigation of a prospective tenant as provided under Section 2-12-3. Such request shall be on a form approved or provided by the police department. The applicant shall pay an investigation fee as established by resolution of the common council.

Section 7-3-22. Declaration of nuisance.

(1) Minn. Stats. § 412.221, subd. 23 states that a city council has the power, by ordinance, to define nuisances and to provide for their prevention or abatement. Minn. Stats. § 410.33 extends this authority to a home rule city, including the City of Rochester. In addition, Section 1.00, subd. 3 of the City of Rochester Home Rule Charter allows the city to utilize the authority found at Minn. Stats. § 412.221, subd. 23.
(2) The common council invokes the authority described in subsection (a) of this section and hereby declares the repeated violation of this title and chapter 8-3 to be a nuisance.
(3) For purposes of this section, the term "repeated violation" means three or more convictions for one property address, or six or more convictions for multiple property addresses, involving this title and chapter 8-3, occurring within a 24-month period.
(4) In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for injunctive relief to prohibit the continuation of any nuisance as declared by this section. Such application for relief may include seeking a temporary restraining order, temporary injunction or permanent injunction.

CHAPTER 7-4. SHORT TERM RENTAL HOSTING PLATFORMS

Section 7-4-1. Definitions.

Whenever used in this chapter the following words shall have the meanings indicated.

Building inspector means the Director of Community Development or any of ~~their~~ ~~his~~ authorized representatives and assistants.

License means a short-term rental housing platform license

Short-term rental hosting platform means a person or entity that participates in the short-term rental business by providing, and collecting or receiving a fee for, booking services through which an owner may offer a dwelling unit, or a portion thereof, for tourist or transient use. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows an owner to advertise the dwelling unit through a website provided by the hosting platform and the hosting platform conducts a transaction by which potential tourist or transient users arrange tourist or transient use and payment, whether the tourist or transient pays rent directly to the owner or to the hosting platform.

Short term rental-owner occupied means a dwelling unit, or a portion of a dwelling unit, rented for less than 30 days, in which at least one of the owners, is occupying the site during the rental period, and is registered as an owner-occupied short-term rental with the City of Rochester.

Short term rental-non-owner occupied means a dwelling unit, or a portion of a dwelling unit, rented for less than 30 days, in which the owner is not present during the rental period, and holds a short- term rental certificate with the City of Rochester.

Section 7-4-2. License required.

(1) No person shall engage in the activity of a short-term rental in the city without obtaining a registration certificate as provided in chapter 7-3. Single-household ~~family~~ owner-occupied short-term rentals are required to be registered only. All other short-term rentals are required to be registered and inspected per Section 7-3-13.
(2) Short term rentals in multi-family buildings with three or more (3+) units would be prohibited as a primary use (these would be considered hotels). Structures with three or more (3+) units require building code classification change from an “apartment building” where occupants are primarily permanent in nature to “hotel/transient housing”. Structures with five or more (5+) beds would be classified by the department of health as “lodging” or “hotel” and require a lodging license.

Property Type	# of STR Dwelling Units Allowed	Registration Required?	Rental Property Inspection Required?	State Building Code Occupancy Classification	Building or portion thereof Reclassification Required	2020 State Accessibility Code Requirements	Lodging License Required
Single Household ~~Family~~ Building or Unit – attached (townhome) or detached (Owner Occupied, includes condominium)	1	Yes	No	IRC-1, IRC-3, or R-3	No	None	
Single Household ~~Family~~ Building Or Unit – attached (townhome) or detached	1	Yes	Yes	IRC-1, IRC-3, or R-3	No	None	Lodging license required if structure rents (5+) beds
Duplex Building	2[2]	Yes	Yes	IRC-2 or R-3	No	None	Lodging license required if structure rents five or more (5+) beds

Triplex Building	2[1,2]	Yes	Yes	R-2	No	None	Lodging license required if structure rents five or more (5+) beds
Four-Plex Building	2[1,2]	Yes	Yes	R-2	No	None	Lodging license required if structure has five or more (5+) beds
Building with Four or More Units	2[1,2]	Yes	Yes	R-2	No	None	Lodging license required if structure has five or more (5+) beds
Building with more than Four Units	25% of dwelling units[1]	Yes	Yes	R-2	Yes, R-1	2% Accessible Units	Lodging license required

[1] If a request is made for more than two STR units ~~number stated is requested~~, reclassification of units would be required through a change of occupancy review process, which includes the application of State Accessibility regulations. In addition, if a request is made to use more than 25% of the units as STR units, Community Development would consider this to be a change of use and would require the project to go through a change of use review process. Each of these processes requires payment of a processing fee.

[3] For the purposes of this table it is assumed that the number of occupants within the two dwelling units does not exceed 10 total.

Section 7-4-3. Short-term rental and short-term rental hosting platform license fee.

(1) All other short-term rentals are required to be registered and inspected per Chapter 7-3.

(2) The annual fee for the issuance or renewal of a short-term rental hosting platform license shall be as is listed in the fee schedule. The building inspector may, through the fee schedule, impose a lesser annual fee for a short-term rental hosting platform that lists or will list no more than one-hundred fifty (150) dwelling units at any given time. The license fee shall be paid as a precondition to issuance or renewal of the license.

Section 7-4-4. Short-term rental application.

All short-term rental applicants are required to adhere to requirements of Section 7-3-5.

Section 7-4-5. Short-term rental qualifications for license.

All short-term rental applicants are required to adhere to requirements of Section 7-3-6.

Section. 7-4-6. Short-term rental, investigation and issuance.

All short-term rentals are required to adhere to requirements of Section 7-3-7.

Section 7-4-7. Adverse license action.

All short-term rentals are required to adhere to requirements of Section 7-3-2.

CHAPTER 7-5. ADMINISTRATION AND ENFORCEMENT

Section 7-5-1. General.

Housing and neighborhood services is hereby created and the executive official in charge thereof shall be known as the code official.

Section 7-5-2. Appointment.

The code official shall be appointed by the chief appointing authority of the jurisdiction.

Section 7-5-3. Deputies.

Such employees shall have powers as delegated by the code official. The Director of Community Development shall enforce the provisions of the housing code. This shall not be construed to prohibit any other city officer or their authorized representative from enforcing the provisions of the housing code in aspects related to their specific functions. All notices served for violations of the housing code shall be filed with the Director of Community Development.

Section 7-5-4. Fees.

~~The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be as indicated in the following fee schedule:~~

~~Fee Category~~	~~Amount~~	~~Explanation~~
~~Rental Property Registration Certificate Fees (each building)~~	~~$112.00~~	
~~Rental Property Registration Certificate Fees (per unit)~~	~~$37.00~~	
~~Rental Certificate Transfer Fee~~ ~~Administrative Fine Fee~~	~~$20.00~~ ~~$90.00~~	
~~Re-instatement Fee (First Unit)~~	~~$100.00~~	
~~Re-instatement Fee (Each Additional Unit)~~	~~$20.00~~	
~~Re-inspection fees~~	~~$75.00—$125.00~~	~~Dependent on number of units~~
~~Missed appointment fee~~	~~$75.00~~	

~~Fee Category~~	~~Amount~~	~~Explanation~~
~~Unregistered rental~~	~~Up to $500.00~~	~~Warning issued first, then increase in fees depending on number of occurrences~~
~~Late compliance fee~~	~~$100.00—$500.00~~	~~Fee ladder dependent on number of days since correction deadline or expiration date, whichever is later~~
~~Late payment fees~~	~~Up to $130.00~~	~~Fee ladder dependent on number of days late~~
~~Annual vacant building registration~~	~~$100.00—$500.00~~	~~Depending on size of building and years remaining vacant~~

Staff shall maintain an official fee schedule on the City's website for activities and services performed by the department in carrying out their responsibilities under this Code. The applicable charges or fees shall be set forth in the City's schedule of charges and fees which will be adopted by resolution and modified from time to time. The official fee schedule shall be available to the public in the Community Development Department Office as well as online at www.rochestermn.gov.

(1) In addition to such other fees as may be imposed by this Code, a nonrefundable rental property registration certificate fee ~~of $56.00~~ for each building and rental property registration certificate fee ~~$19.00~~ for each apartment unit and the first four rooming units not occupied by the owner shall be paid when an application for a registration certificate and annually thereafter on the first of the month of their renewal date.

One Year Inspection Score Fee

(2) Rental certificates placed on a one-year inspection cycle for scoring highly upon renewal ~~reinspection~~ will be charged a penalty fee dependent on the number of units and upon determination of the inspection cycle.

a. Properties with 1-4 units - $75.00 penalty fee
b. Properties with 5-12 units - $100.00 penalty fee
c. Properties with 13 or more units - $125.00 penalty fee

Late Renewal Payment Fee

(3) If a rental registration renewal fee is not received by the director prior to the expiration date of the certificate, additional fees will be assessed accumulatively. Details of fees can be found in the city fee schedule. ~~as follows:~~

~~1-30 days past due:/$30.00~~

~~31-60 days past due:/$50.00~~

~~61-90 days past due:/$50.00~~

Missed Appointment Fees

(4) In addition to any other fee provided by this section, an owner shall pay an additional fee ~~of $75.00 if, without reasonable cause~~, if the owner or manager fails to keep a scheduled appointment, reschedules an inspection more than once, cancels within five business days if an entire business day is reserved for inspection(s) or 24 hours if the scheduled inspection(s) are less than an entire business day. ~~or cancels on the day of the scheduled inspection.~~

Re-inspection Fees

(5) There shall be no additional fee charged for an initial/routine inspection to determine the existence of a housing code violation(s), nor any fee for the first reinspection to determine compliance with an order to correct a housing code violation(s). An additional fee shall be charged for each subsequent reinspection, including photo or video submissions, occurring after the due date for compliance with an order. The reinspection fee shall be a flat rate determined depending on the number of units a property has~~:~~ and can be found in the city fee schedule

~~Properties with 1—4 units re-inspected/$75.00~~
~~Properties with 5—12 units re-inspected/$100.00~~
~~Properties with 12+ units re-inspected/$125.00~~

Exception: Maximum re-inspection fee amounts are assessed for rental communities, which hold multiple rental licenses for each building, but are all owned and managed by the same agency. Rental communities fitting this description with five or more separate rental licenses will not be assessed more than the total of $45.00 per license. For example, a rental community with 20 buildings has a maximum re-inspection fee assessment of $900.00.

~~The director, or the director's designee, may waive the reinspection fee in case of an error or other reasonable cause, including an extension of time granted for compliance, an unclear or incorrect correction order, or a change of ownership during the time allotted for compliance.~~ All fees collected under this chapter shall be paid to the city director of finance.

(6) Any written extension approval that is granted to the owner/agent with a given completion date that is not kept is subject to late compliance fees for failure in keeping the extension appointment that the owner requested while the certificate is expired. ~~Fees will not be applied if an extension of time is granted for compliance, an unclear or incorrect correction order, or a change of ownership during the time allotted for compliance occurs.~~

Late Compliance Fees

(7) Penalty fees will be assessed when a certificate has been non-compliant and expired beyond 90 days. This would be applied for rental certificates beyond 90 days from **the expiration date of the certificate**. New-use rentals are subject to late compliance fees if a rental certificate is not issued beyond 180 days from the application. After the third (3) and final notice is issued, the property owner or owner's agent has thirty (30) days to contact community development. If the license is not brought into compliance within those thirty (30) days, the rental license can be terminated. This would result in a lose of any and all grandfather rights and previously approved modifications. If the property is rented without an active rental license, the property owner is responsible for all previous unpaid fees.

~~Penalty fees will be assessed when a certificate has been non-compliant and expired beyond 60 days. This would be applied for rental certificates beyond 60 days from renewal date or the correction deadline per the notice of violation issued at the most recent inspection: whichever is later.~~

(8) Additional fees will be assessed based on the number of units accumulatively per the fee schedule until the certificate is in compliance:

(9) See the official Fee Schedule on www.rochestermn.gov

Additional fees will be assessed based on the number of units accumulatively per the fee schedule until the certificate complies:

Expired rental certificate	New-use rental	1-4 units	5-12 units	12+ units
91-120 days	181-210 days	$100	$150	$250
121-150 days	211-240 days	$125	$250	$500
151-180 days	241-270 days	$150	$500	$750
181 days or more	271 days or more	Referred to City attorney for legal action		

Fees will not be applied if an extension of time is granted for compliance. ~~or a change of ownership within the 6-month transfer period.~~

Administrative Fees

(10) An administration fee will be charged for all contract work arranged by the Department of Community Development for the abatement of a public health or safety hazard, including, but not limited to provisions of Section 7-5-16 through 7-5-22. The administration fee will be charged to the property owner in addition to all other costs incurred by the department, abating the public health and safety hazard.

Renting without a Rental Certificate

(11) Every person required for registering a dwelling, apartment, or rooming unit under the provisions of chapter 7-3, and who fails to do so, or who allows the property to be occupied when the registration certificate or right to receive such registration certificate is revoked or suspended, shall be guilty of a violation of this Code. Each day that a property is rented out without a valid rental registration certificate on file for that property is a separate violation.

CHAPTER 7-6. COMPLIANCE

Section 7-6-1. General.

The code official is hereby authorized and directed to enforce the provisions of this code.

The code official shall have the authority to render interpretations of this code and to adopt policies and procedures to clarify the application of its provisions. Interpretations, policies and procedures shall comply with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Section 7-6-2. Determination of compliance.

The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code's provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.

2. Shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

[A] Technical assistance. To determine compliance with this code, the code official is authorized to require the owner or owner's authorized agent to provide a technical opinion and report.

[B] Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

[C] Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[D] Content. The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon to identify and propose necessary recommendations.

[E] Test methods. Where there is insufficient evidence of compliance with the provisions of this code, the code official shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.

[F] Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved.

Exception: Performance-based alternative materials, designs or methods of construction and equipment complying with the International Code Council Performance Code.

[G] Approval authority. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 7-6-2(f) through 7-6-4, as applicable.

[H] Application and disposition. Where required, a request to use alternative material, design or method of construction shall be submitted in writing to the official code for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

[I] Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

[J] Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

Section 7-6-3. Used material and equipment.

The use of used materials that meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and approved by the code official.

[A] Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction applications shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

[B] Fire tests. Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the building official.

[C] Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 105.2.2.6.1 and 105.2.2.6.2.

[D] Evaluation reports. Evaluation reports shall be issued by an approved agency and use of the evaluation report shall require approval by the code official for the installation. The alternate material, design or method of construction and product evaluated shall be within the scope of the code official's recognition of the approved agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the code official.

[E] Other reports. Reports not complying with Section 105.2.2.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the building official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[F] Peer review. The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

Section 7-6-4. Test reports.

The code official shall retain reports of tests for the period required for retention of public records.

Section 7-6-5. Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided that the code official shall first find that special individual reason make the strict letter of this Code impractical, the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the ~~department~~ files of the Housing and Neighborhood Services Department.

Section 7-6-6. Extensions.

Whenever there are practical difficulties involved in carrying out the corrections that were cited in the notice, an extension can be requested within a reasonable timeframe to complete such corrections.

Section 7-6-7. Inspection of dwellings and right of entry.

The Director of Community Development shall make inspections at reasonable times as hereinafter provided to determine the condition of dwellings, and premises located within the city to perform the duty of safeguarding the health and safety of the occupants of dwellings and of the public. For making such inspections, the Director of Community Development is hereby authorized to enter, examine, and survey at all reasonable times all dwellings and premises, except that inspection of owner-occupied, single-household family dwellings shall only be made when permitted by the owner, or in an emergency endangering life or property, or when authorized by court order, warrant, or other judicial process. Inspection of dwellings, other than owner- occupied single-household family dwellings, shall be a condition of the business of leasing or renting such dwellings to others, and the owner, occupant, or the person in charge of such dwellings shall give the Director of Community Development free access to such dwellings and its premises, at all reasonable times, for the purpose of such inspection, examination, and survey. No registration certificate required by the housing code shall be issued if admittance for inspecting the premises is refused by the owner, occupant, or person in charge. The Minnesota Department of Health and acting agency, Olmsted County, shall defer Adult Foster Care Homes or Community Residential Setting license inspections to the Community Development Department for verification of compliance with Chapter 7 of the R.C.O. Olmsted County reserves the right to defer the inspection to Community Development when a site does not successfully pass the review of 245D.22 Subd. 1 of Minnesota Statue. The Community Development Department will assess a $45 inspection fee for the referral. The Adult Foster Care provider will be required to correct issues within 30 days of notice or be assessed an additional $45 fee. Corrections not resolved in a timely matter could impact the facility's license with the Minnesota Department of Health.

When a structure or equipment is found by the code official to be unsafe, or when a structure is found to be unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions on this Code.

Section 7-6-8. Access by owner.

Every occupant of a dwelling, rooming unit or apartment shall give the owner thereof, or owner's agent or employee, access to any part of such dwelling, rooming unit or apartment, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of the housing code or any lawful order issued pursuant to the provisions of the housing code.

Administrative Warrant. Where the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent, occupant or person having charge, care or control of the structure or premises shall not fail or neglect, after proper a request is made as herein provided, to permit entry therein by the code official for the purposes of inspection and examination pursuant to this code.

Section 7-6-8. Identification.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

Section 7-6-9. Notices and orders.

Whenever the Director of Community Development or designee determines that there has been a violation of this code or has grounds to believe that ~~are reasonable grounds to believe that there has been~~ a violation of any provisions of the housing code, the director or designee shall give notice of such alleged violation to the person responsible therefore as hereinafter provided. **Notices for condemnation procedures shall comply with this section**.

Such notice shall be in accordance with all of the following:

(1) Be documented on paper or electronically.
~~(0) Be in writing~~

(2) Include a description of the real estate sufficient for identification.
(3) Include a statement of the violation for which the notice is being issued.
(4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
(5) Be served upon the owner, or the operator, or the occupant as the case may require. Such notices shall be deemed to be properly served upon such owner, operator, or occupant if personally served on any of them, or by delivering electronically to a confirmed contact such as the owner, operator, or occupant, or if a copy is left at the owner's usual place of abode with a person of suitable age and discretion, the resident therein, or by depositing in the United States Post Office, the notice addressed to the owner at the owner's last known address with postage prepaid thereon, or if service cannot be made by any one of the above means, then such notice shall be deemed served if a copy of such notice be posted and kept posted for 48 hours in a conspicuous place on the premises affected by such notice. Such notice may contain an outline of remedial actions which, if taken, will affect compliance with the provisions of this title.
(6) Inform the property owner or owner's authorized agent of the right to appeal.
(7) Include a statement of the right to file a lien in accordance with Section 7-3-24.

7-6-10. Method of service.

Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally. ~~Delivered in-person or electronically; or~~
2. A copy is sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested. ~~Sent by certified or first-class mail addressed to the last known address.~~
3. A copy is delivered in any other manner as prescribed by local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

7-6-11. Unauthorized tampering.

Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

7-6-12. Transfer of ownership.

In the event of a transfer or ownership, please reference Section 7-3-16.

7-6-13. Appeals.

~~Any applicant whose application for registration certificate has been rejected by the director, may request and shall be granted a hearing in the matter before the board of appeals under the procedures found in chapter 1-4.~~

In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

1. **Limitations of authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code.
2. **Qualifications.** The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.
3. **Administration.** The code official shall take action without delay in accordance with the decision of the board.

Section 7-6-14. Department records.

The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

Section 7-6-15. Emergency Orders ~~Notice to person responsible.~~

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 7-3-10 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section Sec 7-14-11.

1. Whenever the Director of Community Development finds that an emergency exists which requires immediate action to protect the public health or and safety, the director may, without notice or hearing, issue to the owner of the property an order reciting the existence of such an emergency and requiring the owner to take such action as the director deems necessary to meet the emergency. Notwithstanding the other provisions of the housing code, such order shall be effective immediately and any person to whom such order is directed shall comply therewith immediately, but upon petition to the Director of Community Development shall be afforded a hearing in the manner prescribed in Sections 7-6-9 through 7-6-10. After such a hearing, the board shall continue such order in effect, or modify it, or revoke it.
2. The abatement procedure in Section 7-6-22 shall apply if the property owner fails to comply with the emergency order within the timelines established above.

Section 7-6-16. Emergency Notices.

Such notice prescribed in Section 7-6-15 shall be in accordance with all of the following Section 7-6-9.

Section 7-6-17. Liability.

The code official, member of the board of appeals or employee charged with the enforcement of this Code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

Section 7-6-18. Legal defense.

Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code.

Section 7-6-19. Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

Furthermore, any code enforcement issues not resolved or repeatedly non-compliant, the property owner is subject to citations as follows: 1st occurrence-$60, 2nd occurrence-$90, 3rd occurrence-$120. Failure to comply is committing a misdemeanor that is punishable by fine up to $1,000.00 and/or 90 days in jail.

Section 7-6-20. Violation penalties.

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 7-6-21. Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Sections 7-3-14, and 7-3-15, 7-6-9, and 7-14-6 shall be deemed guilty of a misdemeanor, punishable by a fine up to $1,000.00 and/or 90 days in jail or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 7-6-22. Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

Section 7-6-23. Stop work order.

Where the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in an unsafe manner, the code official is authorized to issue a stop work order.

(1) Issuance. The stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.
(2) Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.
(3) Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.

CHAPTER 7-7. EXTERIOR

Section 7-7-1. General.

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

Section 7-7-2. Exterior premises.

Exterior property and premises shall be maintained in a clean, safe, and sanitary condition at all times. Occupants shall ensure that the portion of exterior property they occupy, or control is kept free from hazards and unsanitary conditions. This includes, but is not limited to, the prompt removal of dead trees, brush, inoperable machinery, appliances, and any other items susceptible to deterioration when exposed to outdoor climatic conditions.

Occupants must also promptly remove debris such as tin cans, broken glass, furniture, mattresses, tires, and other refuse from their premises. Additionally, lumber piles, building materials not actively used in construction on the premises, and items not designed or intended to withstand outdoor conditions are not permitted for outdoor storage.

Section 7-7-3. Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Section 7-7-4. Protective treatment.

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 7-7-5. Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

Section 7-7-6. Structural members.

Structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

Section 7-7-7. Foundation walls.

Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

Section 7-7-8. Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(1) Peeling, flaking and chipped paint conditions which extend more than 25 percent of the surface area of any plane or wall, or other area shall be eliminated, and surfaces repainted.
(2) Siding, and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and watertight.
(3) Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 7-7-9. Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Section 7-7-10. Decorative features.

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

Section 7-7-11. Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Section 7-7-12. Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Section 7-7-13. Sidewalks and driveways.

Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be level with a smooth transition between surfaces, in a proper state of repair, and maintained free from potholes, settlements, gaps, trip hazards greater than one inch, or other hazardous conditions.

Section 7-7-14. Chimneys and towers.

Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Section 7-7-15. Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(1) Every exterior flight of stairs having four or more risers shall have a handrail on at least one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Existing h~~H~~andrails shall be not less than 30 ~~34~~ inches in height or more than 42 ~~38~~ inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.
(2) Guards shall be provided along open-sided walking surfaces, including balconies, porches, decks, stairs, ramps and landings that are more than 30 inches above the floor or grade below. Existing g~~G~~uards shall not be less than 30 ~~36~~ inches in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.
(3) Every rail and balustrade shall be fastened and maintained in a workmanlike condition.
(4) The treads of every flight of stairs shall be uniform in height and be strong enough to bear the load required by the building code. Every stair tread shall be sound and securely fastened in position.
(5) All outside stairways, fire escapes and exit ways shall be maintained unobstructed, and free of ice and snow.

Section 7-7-16. Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight.

Section 7-7-17. Windows.

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device that is installed to manufacturers specifications. If the original window is equipped with a locking mechanism, it must remain intact. All other windows for dwelling units, rooming units or housekeeping units shall maintain the windows manufactured locking mechanism to provide security for the occupants.

Section 7-7-18. Glazing.

Glazing materials shall be maintained free from cracks and holes.

Section 7-7-19. Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

Section 7-7-20. Insect screens.

During the period from **June 1** to **October 15th**, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 7-7-21. Guards and screens for basement windows.

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

Every basement or grade-level window used or intended to be used for ventilation, and every other opening to a basement or grade-level that might provide an entry for rodents, must be supplied with a screen or such other device as will effectively prevent their entrance all year long.

Section 7-7-22. Basement hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

Section 7-7-23. Building security.

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

Section 7-7-24. Doors.

All building exit doors must be operable from the inside without the use of a key, or special knowledge or effort. Exit doors must not be locked, chained, bolted, barred, latched or otherwise rendered unusable. All locking devices must be of an approved type.

Doors providing access to an individual dwelling unit, rooming unit or housekeeping unit that is rented, leased or let where equipped with a deadbolt lock, the deadbolt shall be designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

Locks on means of egress doors shall be in accordance with IPMC Code 702.3.

Notwithstanding anything in sections 7-8-3 through 7-8-7 to the contrary, exit doors from individual dwelling units having an occupant load of ten or less may be provided with a night latch, dead bolt or security chain, provided such devices are operable from the inside without the use of a key or tool, and mounted at a height not to exceed 48 inches above the finished floor.

Section 7-7-25. Gates.

Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

Section 7-7-26. Accessory structures.

Accessory structures, including detached garages, fences, retaining walls, and walls, shall be maintained structurally sound and in good repair.

Section 7-7-27. Accumulation of rubbish or garbage.

Exterior property and premises shall be free from any accumulation of rubbish or garbage.

Section 7-7-28. Disposal of rubbish.

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

Section 7-7-29. Rubbish storage facilities.

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall ensure rubbish service is provided and shall be responsible for the removal of rubbish. While being accumulated and stored for collection and transportation to a permitted disposal facility, solid waste must be stored in reusable, covered containers (e.g., cans, dumpsters, compactors, roll off containers) that are rust, impact, vermin and leak resistant. Solid waste may be stored ~~for collection no longer than the length of scheduled collection~~ no longer than one week. Occupants utilizing the services of a commercial hauler may place acceptable containers of solid waste, recyclable materials or yard waste at the curb or collection site no sooner than the evening prior to scheduled collection and must remove the empty containers the same day as collection.

Section 7-7-30. Refrigerators.

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

Section 7-7-31. Disposal of garbage.

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

Section 7-7-32. Garbage facilities.

The owner shall supply such facilities or containers for all apartments in a dwelling containing more than three apartments and for all apartments located on premises where three or more apartments share the same premises. In all other cases, it shall be the responsibility of the occupant to furnish such facilities or containers unless the owner furnishes such facilities or containers or has agreed to furnish them. The responsible party of every dwelling shall supply an approved leak-proof, covered, outside garbage container intended for rubbish removal.

Section 7-7-33. Containers.

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak, rust, impact, and vermin resistant containers intended for rubbish removal and provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. Occupants utilizing the services of a commercial hauler may place acceptable containers of solid waste, recyclable materials or yard waste at the curb or collection site no sooner than the evening prior to scheduled collection and must remove the empty containers the same day as collection. All solid waste containers shall be kept as near the rear of the premises as practicable, at the alley if one exists, and shall be located so as to be easily accessible to the collector. Such containers must be kept on an impervious surface.

Section 7-7-34. Rodent harborage.

Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Section 7-7-35. Motor vehicles.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. After formal and proper notice to the property owner and vehicle owner, and the vehicle still remains unlicensed or inoperable, the vehicle will be towed at the property owner's expense due to it being a public nuisance.

Exception**:** A vehicle of any type is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

CHAPTER 7-8. INTERIOR

Section 7-8-1. General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, two or more dwelling units, or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Section 7-8-2. Item overcrowding.

Overcrowding a room or portion of a dwelling with long-term storage of items, goods, or any material so as to prevent upkeep, maintenance, or regular housekeeping. A room may be considered overcrowded when storage covers an excessive amount of the floor area of a room, constitutes a potential excessive fire load, prevents access to windows or doors, prevents access to or obstructs mechanical systems or air movement, effectively eliminates use and access to required electrical devices, impedes access and movement of emergency personnel, blocks hallways, limits the operation of doors or provides pest harborage.

Section 7-8-3. Interior walls, floors, doors, and ceilings.

Interior surfaces, including windows, floors, walls, and doors, shall be maintained in an good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Every common hall and stairway in every apartment house containing five or more apartments must be lighted at all times so as to provide illumination of at least two footcandles on every part of such areas. In other than residential occupancies, interior and exterior means of egress, stairways shall be illuminated at all times the building space is served by the means of egress is occupied at floors, landings and stairways. Instead of full-time lighting, a public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four apartments may be supplied with conveniently located light switches controlling an adequate lighting system that may be turned on when needed.

Section 7-8-4. Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Every interior flight of stairs having four or more risers shall have a handrail on at least one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Existing h~~H~~andrails shall be not less than 30 ~~34~~ inches in height or more than 42 ~~38~~ inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

Guards shall be provided along open-sided walking surfaces, including balconies, porches, decks, stairs, ramps and landings that are more than 30 inches above the floor or grade below. Existing g~~G~~uards shall not be less than 30 ~~36~~ inches in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Every rail and balustrade shall be fastened and maintained in a workmanlike condition.

The treads of every flight of stairs shall be uniform in rise and run ~~height~~ and be strong enough to bear the load required by the building code. Every stair tread shall be sound and securely fastened in position.

Section 7-8-5. Flooring.

Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects shall be corrected.

In dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

Section 7-8-6. Doors.

Every interior door shall fit within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers, or tracks as intended by the manufacturer of the attachment hardware.

Section 7-8-7. Building security.

All building exit doors must be operable from the inside without the use of a key, or special knowledge or effort. Exit doors must not be locked, chained, bolted, barred, latched or otherwise rendered unusable. All locking devices must be of an approved type.

(1) Notwithstanding anything in Sections 7-13-1 through 7-13-8 to the contrary, exit doors from individual dwelling units having an occupant load of ten or less may be provided with a night latch, dead bolt or security chain, provided such devices are operable from the inside without the use of a key or tool, and mounted at a height not to exceed 48 inches above the finished floor.

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

Section 7-8-8. Locked doors.

Any locking mechanism cannot be higher than 48 inches from the finished floor. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort, except where the door hardware conforms to that permitted by the International Building Code.

Section 7-8-9. Accumulation of rubbish or garbage.

The interior of every structure shall be free from any accumulation of rubbish or garbage.

Section 7-8-10. Infestation.

Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation. A professional exterminator may be required dependent on the infestation.

Section 7-8-11. Infestation prior to tenant occupancy.

The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

Section 7-8-12. Single occupancy infestation.

The occupant of a one-household ~~family~~ dwelling or of a single-tenant non-residential structure shall be responsible for pest elimination on the premises.

Section 7-8-13. Multiple occupancy infestation.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a non-residential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

Section 7-8-14. Occupant responsibilities.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception:
Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

Section 7-8-15. Accessibility.

A facility that is required to be accessible shall be maintained accessible during occupancy. The accessible features of a facility shall be maintained in good repair, in a clean, structurally sound and sanitary condition, and free from impediments to accessibility.

CHAPTER 7-9. OCCUPANCY

Section 7-9-1. Room area.

Every single dwelling or apartment must contain at least 120 ~~150~~ square feet of net floor area for the first occupant thereof and at least 50 ~~100~~ additional square feet of floor area for every additional occupant thereof. Floor space must be calculated based on total habitable room area.

Section 7-9-2. Minimum room dimensions. ~~widths.~~

A habitable room, other than a kitchen, shall have a floor area of not less than 70 square feet and not be less than 7 feet in any plan direction. ~~Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.~~

Section 7-9-3. Sleeping area.

In every apartment of two or more rooms, every room occupied for sleeping purposes by one occupant must contain at least 70 square feet of floor area. Every room occupied for sleeping purposes by more than one occupant must contain an additional ~~at least~~ 50 square feet of floor area for each occupant thereof.

Section 7-9-4. Prohibited occupancy.

(1) Kitchens and non-habitable spaces shall not be used for sleeping purposes.
(2) Pursuant to 7-1-4, a home constructed as a single-household dwelling and is found to be utilized as a non-conforming multi-household dwelling will be required to meet one of the following criteria to meet the non-conforming dwelling:
    a) Comply with the required building codes to bring the non-conforming multi-household building up to current code due to the change in occupancy
    b) OR remove the existing door(s) coming from the unit to the non-conforming unit and install finished cased opening(s) to ensure the building stays as a single-household dwelling.

Section 7-9-5. Other requirements.

Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing and water-heating facilities requirements of Chapter 7-11; the heating facilities and electrical receptacle requirements of Chapter 7-12; and the smoke detector and emergency escape requirements of Chapter 7-13.

Section 7-9-6. Access from bedrooms.

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

Section 7-9-7. Water closet accessibility.

Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

Section 7-9-8. Privacy.

Dwelling units, housekeeping units, and rooming units shall be arranged to provide privacy and be separate from other adjoining spaces.

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Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

Section 7-9-9. Location.

Toilet rooms and bathrooms, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

Section 7-9-10. Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-household ~~family~~ dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-household ~~family~~ dwellings occupied exclusively for laundry, study, or recreation purposes, having a minimum ceiling height of 6 feet 4 inches (1932 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-half of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

Section 7-9-11. Rooming unit.

Permitted if it satisfies all the following:

1. The rooming unit must have a habitable room of not less than 120 square feet of superficial floor area. An additional 50 square feet of superficial floor area must be provided for each occupant, more than two.
2. The rooming unit shall not contain a kitchen or kitchenette. A refrigerator and/or microwave oven may be used within the unit. Heat producing food preparation appliances, including, but not limited to, stoves, hot plates, electric fry pans, crockpots, and toaster ovens, shall not be used or stored within the unit.
3. The rooming unit must be provided with a separate bathroom meeting the requirements of this chapter or shared facilities in accordance with the fixture requirements of the building code in effect at the time of issuance of the initial registration certificate. One water closet, lavatory, bathtub or shower shall be supplied for a maximum of four rooming units.

Section 7-9-12. Efficiency unit.

Nothing in this section shall prohibit an efficient living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 190 ~~120~~ square feet (11.2 m2). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 m2). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 m2). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

Section 7-9-13. Food preparation.

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve food in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage**.**

CHAPTER 7-10. LIGHT AND VENTILATION

Section 7-10-1. Scope.

The provisions of this chapter shall govern the minimum conditions and standards for light and ventilation.

Section 7-10-2. Responsibility.

The owner of the structure shall provide and maintain light and ventilation conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

Section 7-10-3. Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

Section 7-10-4. Habitable spaces.

Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such 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.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 m). The exterior glazing area shall be based on the total floor area being served.

Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 7-10-4.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m2). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

Section 7-10-5. Common halls and stairways.

Every public hall and stairway in every apartment house containing five or more apartments must be always lit to provide illumination of at least two footcandles on every part of such areas. Instead of full-time lighting, a public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four apartments may be supplied with conveniently located light switches controlling an adequate lighting system that may be turned on when needed.

Section 7-10-6. Other spaces.

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

Section 7-10-7. Bathrooms and toilet rooms.

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 7-8-4. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated within a structure.

Section 7-10-8. Process ventilation.

Where injurious, toxic, irritating or noxious fumes, gases, dust or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space within a structure.

Section 7-10-9. Clothes dryer exhaust.

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions. Vinyl ducting is prohibited.

Exception: Listed and labeled condensing (ductless) clothes dryers.

CHAPTER 7-11. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Section 7-11-1. Scope.

The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

Section 7-11-2. General.

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

Section 7-11-3. Responsibility.

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

Section 7-11-4. Dwelling units.

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

Section 7-11-5. Rooming houses.

At least one water closet, lavatory and bathtub or shower shall be supplied for each ~~a maximum of~~ four rooming units.

Section 7-11-6. Public toilet facilities.

Public toilet facilities shall be maintained in a safe, sanitary, and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities ~~at all times~~ during management business hours ~~occupancy of the premises~~.

Section 7-11-7. Toilet rooms.

1. Privacy: Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms.
2. Location: Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.
3. Floor surface: In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

Section 7-11-8. Water system.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

Section 7-11-9. Contamination.

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, bidets, shower heads using vacuum breakers, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

Section 7-11-10. Supply.

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

Section 7-11-11. Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

Section 7-11-12. Nonpotable water reuse systems.

Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 7-11-13.

Section 7-11-13. Abandonment of systems.

Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with Section 1301.10 of the International Plumbing Code.

Section 7-11-14. Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

Section 7-11-15. General connection.

Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

Section 7-11-16. Maintenance.

Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks and defects.

Section 7-11-17. Storm drainage.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

Section 7-9-7. Plumbing system hazards.

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration, or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Section 7-9-8. General supply.

Every sink, lavatory, bathtub, or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Minnesota Plumbing Code.

CHAPTER 7-12. MECHANICAL AND ELECTRICAL REQUIREMENTS

Section 7-12-1. Scope.

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

Section 7-12-2. Responsibility.

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

Section 7-12-3. General.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

Section 7-12-4. Mechanical Facilities Required.

Heating facilities shall be provided in structures as required by this section.

Section 7-12-5. Residential occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances, any portable unvented fuel-burning space heaters, and electric space heaters shall not be used as a source of permanent heating ~~means to provide required heating~~.

Section 7-12-6. Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, is to furnish heat to the occupants and shall supply heat during October 1 through April 30 where the outside air temperature falls below 50 degrees Fahrenheit to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Section 7-12-7. Room temperature measurement.

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

Section 7-12-8. Exhaust vents.

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

Section 7-12-9. Clothes dryer exhaust duct system maintenance.

The lint trap, mechanical and heating components, and the exhaust duct system of a clothes dryer shall undergo periodic removal of accumulations of lint in accordance with the manufacturer's operating instructions to prevent obstruction of exhaust air and products of combustion

Section 7-12-10. Mechanical appliances.

Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function.

Section 7-12-11. Removal of combustion products.

Fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Fuel containers and fueled equipment including, but not limited to, motorcycles, mopeds, lawn-care equipment, portable generators, and portable cooking equipment, shall not be stored, operated, or repaired within a building.

Exception: Fuel-burning equipment and appliances that are labeled for unvented operation.

Section 7-12-12. Clearances.

Required three feet clearances to combustible materials shall be maintained.

Section 7-12-13. Safety controls.

Safety controls for fuel-burning equipment shall be maintained in effective operation.

Section 7-12-14. Combustion air.

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

Section 7-12-15. Energy conservation devices.

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

7-12-16. Electrical facilities required.

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Sections 7-12-23 through 7-12-26.

7-12-17. Electrical services.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service having a minimum rating of 60 amperes.

Section 7-12-18. Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration, or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Section 7-12-19. Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

Section 7-12-20. Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, receptacles, attachment plugs, flanged surface devices, panel boards, wiring devices, ground fault circuit interrupters, arc-fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage and medium-voltage fuses and fuse holders, luminaires, lamp holders and retrofit kits, listed low-voltage lighting systems or a lighting system assembled from listed parts, fire pump controllers, ballasts, motors and electronic control, signaling, equipment that provides branch-circuit ground-fault protection, low-voltage power circuit breaker electronic trip units, and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception:
The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches rated a maximum of 600 volts or less.
2. Busway rated a maximum of 600 volts.
3. Switchboards, rated at a maximum of 600 volts.
4. Manual and magnetic motor controllers.
5. Motor control centers.
6. Alternating current high-voltage circuit breakers.
7. Protective relays, meters, and current trans- formers.
8. Low- and medium-voltage switchgear.
9. Liquid-filled transformers.
10. Cast-resin transformers.
11. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
12. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends.
    a. have not been exposed to water.
13. Motors.
14. Electronic control, signaling and communication equipment.

Section 7-12-21. Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

Section 7-12-22. Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, ground-fault circuit interrupters, arc-fault circuit-interrupters, equipment that provides branch-circuit ground-fault protection, low-voltage and medium-voltage fuses and fuse holders, molded-case circuit breakers, low-voltage power circuit breaker electronic trip units, attachments plugs, cord connectors, and flanged surface devices, panelboards, luminaires, lamp holders and retrofit kids, listed low-voltage

lighting systems or a lighting system assembled from listed parts, fire pump controllers, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

Section 7-12-23. Installation.

Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. An electrical permit and inspection must be completed to ensure approval of installation.

Section 7-12-24. Receptacles.

All electrical equipment, wiring and appliances must be properly installed and maintained in a safe and approved manner. Two receptacles in kitchens serving countertop space(s) must be supplied. Per the National Electrical Code the proper number and type of circuits prescribed by the prevailing Code at the time of construction will be required in kitchens. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler and furnace room must contain at least one electric lighting fixture.

Section 7-12-25. Light fixtures.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire.

Section 7-12-26. Wiring.

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

CHAPTER 7-13. FIRE SAFETY REQUIREMENTS

Section 7-13-1. General.

This chapter establishes fire safety requirements for existing structures by providing ~~containing~~ requirements for means of egress, including path of travel, required egress width, means of egress doors and emergency escape openings, and for the maintenance of fire-resistance-rated assemblies, fire protection systems, and carbon monoxide alarm and detection systems. The chapter references other resources such as the Minnesota State Fire Code currently adopted by the City of Rochester, MN, National Fire Protection Agency (NFPA) and the International Fire Code. ~~A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.~~

Section 7-13-2. Scope and responsibility.

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

Section 7-13-3. Emergency escape and rescue openings.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

~~Required emergency escape or rescue openings should be provided in all sleeping rooms in accordance with the most current building code in effect. The escape opening must provide:~~

~~(1)A minimum 24-inch clear, opening height;~~

~~(2)A minimum 20-inch clear, opening width;~~

~~(3)A minimum five-square-foot clear opening; and~~

~~(4)A finished sill height not more than 44 inches above the floor.~~

Section 7-13-4. Means of egress.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the code under which the building was constructed.

1. Aisles. The required width of aisles in accordance with the code under which the building was constructed shall be unobstructed.
2. Locked doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.
3. Emergency escape and rescue openings. Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and both of the following:
    A. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.
    B. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction ~~the most recent code in effect~~ and the unit is equipped with smoke alarms installed in accordance with Section 907.2.11 of the International Building Code. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.
4. Window sill height will be in accordance with the code in effect at the time of construction.

The minimum egress window requirement will not be enforced if the dwelling was built before 1970.

The minimum egress window requirement will be enforced 1970 onward in existing sleeping rooms, not newly constructed sleeping rooms:

a. 1970 UBC – 1404 – openable area of 5.0 square feet, height and width not less than 22 inches, and maximum sill height of 48 inches.
b. 1973 UBC – 1404 – openable area of 5.0 square feet, height and width not less than 22 inches, and maximum sill height of 48 inches

c. 1976 UBC – 1404 – openable area of 5.7 square feet, minimum height of 24 inches, minimum width of 20 inches, and maximum sill height of 48 inches
d. 1979 UBC – 1204 – openable area of 5.7 square feet, minimum height of 24 inches, minimum width of 20 inches, and maximum sill height of 48 inches
e. 1982 UBC – 1204 – openable area of 5.7 square feet, minimum height of 24 inches, minimum width of 20 inches, and maximum sill height of 48 inches
f. 1985 UBC – 1204 – openable area of 5.7 square feet, minimum height of 24 inches, minimum width of 20 inches, and maximum sill height of 48 inches
g. 1988 UBC – 1204 – openable area of 5.7 square feet, minimum height of 24 inches, minimum width of 20 inches, and maximum sill height of 44 inches
h. 1994 UBC – 310.4 – openable area of 5.7 square feet, minimum height of 24 inches, minimum width of 20 inches, and maximum sill height of 44 inches
i. 1997 UBC – 310.4 – openable area of 5.7 square feet, minimum height of 24 inches, minimum width of 20 inches, and maximum sill height of 44 inches
j. 2000 IBC – 1009 – openable area of 5.7 square feet, minimum height of 24 inches, minimum width of 20 inches, and maximum sill height of 44 inches
k. 2000 IRC – R310 – openable area of 5.7 square feet, minimum height of 24 inches, minimum width of 20 inches, and maximum sill height of 44 inches
l. 2012 IBC – 1029 – openable area of 5.7 square feet, minimum height of 24 inches, minimum width of 20 inches, and maximum sill height of 44 inches
m. 2012 IRC – R310 – openable area of 5.7 square feet (5.0 square feet for grade floor opening, and 4.5 square feet for licensed facilities), minimum height of 24 inches (20 inches for licensed facilities), minimum width of 20 inches, and maximum sill height of 44 inches (48 inches for licensed facilities)

Section 7-13-8. Fire resistance-rated assemblies.

The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

Section 7-13-9. Unsafe conditions.

Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Minnesota State Fire Code currently adopted by the City of Rochester, MN, Section 111.1.1 of the International Fire Code components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components are such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the fire code official shall act in accordance with Minnesota State Fire Code currently adopted by the City of Rochester, MN,or Section 111.2 of the International Fire Code.

Section 7-13-10. Maintenance.

The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-

rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

Section 7-13-11. Fire blocking and draft stopping.

Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

Section 7-13-12. Smoke barriers and smoke partitions.

Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with approved smoke barrier doors or smoke dampers shall be maintained in accordance with Minnesota State Fire Code currently adopted by the City of Rochester, MN. ~~NFPA 105~~.

Section 7-13-13. Fire walls, fire barriers, fire partitions.

Required firewalls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with Minnesota State Fire Code currently adopted by the City of Rochester, MN. ~~NFPA 80.~~

Section 7-13-14. Opening protectives.

Opening protectives shall be maintained in an operative condition in accordance with Minnesota State Fire Code currently adopted by the City of Rochester, MN. ~~NFPA 80~~. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

Section 7-13-15. Signs.

Where required by the code official, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR – DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR – KEEP CLOSED.

Section 7-13-16. Hold-open devices and closers.

Hold-open devices and automatic and self- door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

Section 7-13-17. Door operation.

Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from the 90-degree ~~any partially~~ open position.

Section 7-13-18. Ceilings.

The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

Section 7-13-19. Testing.

Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

Section 7-13-20. Vertical shafts.

Interior vertical shafts, including stairways, elevator hoist ways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the International Fire Code. New floor openings in existing buildings shall comply with the International Building Code.

Section 7-13-21. Opening protective closures.

Where openings are required to be protected, opening protectives shall be maintained self- closing or automatic closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

Section 7-13-22. Inspection, testing, and maintenance.

Fire detection, alarm and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in accordance with the Minnesota State Fire Code currently adopted by the City of Rochester, MN ~~International Fire~~ Code in an operative condition at all times and shall be replaced or repaired when defective.

Section 7-13-23. Installation.

Fire protection and life safety systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection where the building is altered or enlarged. Alterations to fire protection systems shall be done in accordance with applicable standards.

Section 7-13-24. Required fire protection systems.

Fire protection systems required by this code, Minnesota State Fire Code currently adopted by the City of Rochester, MN, the International Fire Code, International Residential Code, or the International Building Code shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this code, the International Fire Code or the International Building Code has been granted shall be a required system.

Section 7-13-25. Fire protection systems.

Fire protection systems shall be inspected, maintained and tested in accordance with the following Minnesota State Fire Code currently adopted by the City of Rochester, MN, and International Fire Code requirements.

1. Automatic sprinkler systems, see Section 901.6.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 901.6.
3. Automatic water mist extinguishing systems, see Section 904.11.3.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
6. Clean agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.

8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.
13. Single- and multiple-station smoke alarms, see Section 907.10.
14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.6.
15. Smoke control systems, see Section 909.20.
16. Wet-chemical extinguishing systems, see Section 904.5.

Section 7-13-26. Standards.

Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Section 7-13-27 and as required in this section.

Section 7-13-27. Table – Fire Protection System Maintenance Standards

TABLE 704.2 of IPMC—FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS

SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10 – 2022 Edition
Carbon dioxide fire-extinguishing system	NFPA 12 – 2022 Edition
Halon 1301 fire-extinguishing systems	NFPA 12A – 2022 Edition
Dry-chemical extinguishing systems	NFPA 17 – 2021 Edition
Wet-chemical extinguishing systems	NFPA 17A – 2021 Edition
Water-based fire protection systems (inspection, testing, and maintenance)	NFPA 25 – 2023 Edition
Fire alarm systems	NFPA 72 – 2022 Edition
Fire doors and dampers	NFPA 80 – 2022 Edition
Smoke doors and dampers	NFPA 105 – 2022 Edition
Smoke and heat vents	NFPA 204 – 2021 Edition
Water-mist systems	NFPA 750 – 2023 Edition
Clean-agent extinguishing systems	NFPA 2001 – 2022 Edition

Section 7-13-28. Records.

Records shall be maintained of all system inspections, tests and maintenance in accordance with Minnesota State Fire Code currently adopted by the City of Rochester, MN, and 109.3 of the International Fire Code.

Section 7-13-29. Records information.

Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

Section 7-13-30. System out of service.

Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated, or an approved fire watch

shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with Minnesota State Fire Code currently adopted by the City of Rochester, MN, ~~Section 901 of the International Fire Code~~ to bring the systems back in service.

Section 7-13-31. Emergency impairments.

Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Minnesota State Fire Code currently adopted by the City of Rochester, MN ~~Section 901.7.4~~ of the International Fire Code.

Section 7-13-32. Removal or tampering with equipment.

It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire hydrant, fire detection and alarm system, fire suppression system or other fire appliance required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

Section 7-13-33. Removal of or tampering with appurtenances.

Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire code official shall not be removed, unlocked, destroyed or tampered with in any manner.

Section 7-13-34. Removal of existing occupant-use hose lines.

The fire code official is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:

1. The installation is not required by the International Fire Code or the International Building Code.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

Section 7-13-35. Termination of monitoring system.

For fire alarm systems required to be monitored by the Minnesota State Fire Code currently adopted by the City of Rochester, MN, ~~International Fire Code~~, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

Section 7-13-36. Fire department connection.

Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters “FDC” not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

Section 7-13-37. Fire department connection access.

Ready access to fire department connections shall be always maintained and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the International Fire Code and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times.

Section 7-13-38. Clear space around connections.

A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

Section 7-13-39. Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 7-13-40 through 7-13-44.

Section 7-13-40. Where required.

1. In each sleeping room
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms
3. On each additional story of the dwelling, including basements and not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by IRC Section R314.3.

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 7-13-41 through 7-13-42. Interconnection and power sources shall be in accordance with Sections 7-13-43 and 7-13-44. The smoke alarms will be installed per the code year the premises was built.

Exceptions:
1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

Section 7-13-41. Group R-1.

Single- or multiple-station smoke alarms shall be installed in all the following locations in Group R:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Section 7-13-42. Installation nearing cooking appliances.

Smoke alarms shall be installed at a minimum of 10 feet (3.0 m) horizontally from a permanently installed cooking appliance.

Smoke alarms shall not be installed in close proximity to cooking appliances noted in the following locations unless this would prevent placement of a smoke alarm in a location required by section 7-13-41 or 7-13-52.

Exceptions:

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1828 mm) horizontally from a permanently installed cooking appliance.

Section 7-13-43. Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

Section 7-13-44. Power source.

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could pro- vide access for building wiring without the removal of interior finishes.

Section 7-13-45. Smoke detection system.

Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.
3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the International Fire Code.

Section 7-13-46. Single and multiple station smoke alarms.

Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions and this code. ~~Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit or shall be replaced if the date of manufacture cannot be determined.~~

Section 7-13-47. Replacement.

Smoke alarms shall be replaced where any of the following apply:

1. The smoke alarm fails to respond to operability tests.
2. Where the smoke alarm exceeds 10 years from the date of manufacture marked on the unit, unless an earlier replacement is specified in the manufacturer's instructions.
3. The smoke alarm end-of-life signal is sounded.
4. The smoke alarm date of manufacturer cannot be determined.

Section 7-13-48. General.

Carbon monoxide alarms shall be installed in dwellings in accordance with Minnesota State Fire Code currently adopted by the City of Rochester, MN ~~Section 915.2 of the Minnesota Fire Code~~.

Section 7-13-49. Dwelling units.

Carbon monoxide detection shall be installed in dwelling units outside of each separate area within ten (10) feet of the bedrooms. Where a fuel-burning appliance is in a bedroom or its attached bathroom, carbon monoxide detection shall be installed within the bedroom.

Section 7-13-50. Sleeping units.

Carbon monoxide detection shall be installed in sleeping units.

Exception:

Carbon monoxide detection shall be allowed to be installed outside of each separate sleeping area within 10 feet of the sleeping unit if its attached sleeping unit does not contain a fuel- burning appliance and is not served by a fuel-burning, forced air furnace.

Section 7-13-51. Carbon monoxide alarms and detectors.

Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

Section 7-13-52. Groups R-2, R-3, R-4 and I-1.

Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

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

CHAPTER 7-14. VACANT STRUCTURE

Section 7-14-1. Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

Section 7-14-2. General.

The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

Section 7-14-3. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section.

Dangerous Structure means a structure, which is potentially hazardous to persons or property, including, but not limited to:

1. A structure, which is in danger of partial or complete collapse;
2. A structure with any exterior parts which are loose or in danger of falling; or
3. A structure with any parts, such as floors, porches, railings, stairs, ramps, balconies, windows, doors or roofs, which are accessible and which are either collapsed, in danger of collapsing or unable to support the weight of normally imposed loads.

Secured by other than **normal** means a building secured by means other than those used in the design of the building.

Unoccupied means a building, which is not being used for a legal occupancy

Unsecured means a building or portion of a building, which is open to entry by unauthorized persons without the use of tools or ladders.

Vacant building means a building or portion of a building, which is:

1. Unoccupied and unsecured.
2. Unoccupied and secured by other than normal means.
3. Unoccupied and a dangerous structure.
4. Unoccupied and condemned.
5. Unoccupied and has multiple housing or building code violations.
6. Condemned and illegally occupied.
7. Unoccupied for a period of time over three hundred sixty-five (365) days and during which time the enforcement officer has issued an order to correct nuisance conditions.

Section 7-14-4. Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner- occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

Section 7-14-5. Vacant structures and land.

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 7-14-6. Vacant building registration.

1. The owner shall register with the code official no later than thirty (30) days after any building in the city becomes a vacant building, as defined in Sect. 7-14-3.
2. The registration shall be submitted on forms provided by the code official and shall include the following information supplied by the owner:
    a. A description of the premises;
    b. The names and addresses of the owner or owners;
    c. The names and addresses of all known lienholders and all other parties with an ownership interest in the building;
    d. The period of time the building is expected to remain vacant; and a plan and timetable for returning the building to appropriate occupancy or use and/or for demolition of the building.
3. For all vacant buildings, the owner shall submit a plan and timetable, which must meet the approval of the code official. The code official shall require completion of the plan within a reasonable period of time, up to three hundred sixty-five (365) days. Any repairs, improvements or alterations to the property must comply with any applicable housing or building codes.
4. All applicable laws and codes shall be complied with by the owner. The owner shall notify the enforcement officer of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must meet the approval of the code official.
5. The owner and the subsequent owners shall keep the building secured and safe and the building and ground properly maintained until the rehabilitation or demolition has been completed.

6. Failure of the owner or any subsequent owner to maintain the building and premises that result in a summary abatement completed by the city shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by law.
7. Failure to register, complete a vacant application and/or complete the restoration agreement shall be subject to any applicable penalties provided by the law, including but not limited to being charged with a misdemeanor, punishable by a fine up to $1,000.00 and/or 90 days in jail.
8. The new owner(s) shall register or re-register the vacant building with the enforcement officer within thirty (30) days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the code official.
9. Vacant building fees:
    a. For a single-household ~~family~~ or two- household ~~family~~ residential building, the first-year annual fee shall be at least $100; for other residential not exceeding 10,000 square feet, the first-year annual fee shall be at least $200; for multifamily residential or commercial buildings exceeding 10,000 square feet, the first-year annual fee shall be at least $300. For each year that a building remains a vacant building, the annual registration fee shall increase by the amount of the first-year annual fee, but not to exceed $500. The registration fee is intended to at least partially recoup, and shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs of the city in monitoring the vacant building site.
    b. The first annual fee shall be paid no later than thirty (30) days after the building becomes vacant. If the fee is not paid within thirty (30) days of being due, the owner shall be subject to prosecution.
    c. The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.
    d. All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. If the fees are not paid prior to any transfer, the new owner shall pay the annual fee no later than thirty (30) days after the transfer of ownership and subsequent annual fees shall be due on the original anniversary date.
    e. The annual registration fee may be waived or held in abeyance for the current year, for new vacant building registrations or upon the anniversary date of the vacancy, if the owner follows through with a written restoration agreement. The restoration agreement (RA) is a contract between the City and the owner of a vacant property. It provides the owner and the City with clear timeframes, work orders, and cost estimates for the complete rehabilitation of a property. It provides the financial penalties associated with failure to adhere to the specifications included in the document. By signing the agreement, the owner agrees to complete the work and accept all conditions, including the penalties and forfeiture of any required deposits or escrows.

Section 7-14-7. Exemptions.

Fire damaged structures fee exemption. In order to encourage the prompt renovation of property, the owner of a fire damaged building may be exempt from paying vacant building fees required under the chapter; provided, that within thirty (30) days from the date of the fire, the owner at the time of the fire, submits a request for an exemption in writing to the enforcement officer. This request shall include the following information supplied by the owner

1. A description of the premises.
2. The names and address of the owner or owners.
3. A statement of intent to repair and reoccupy the building in an expedient manner.
4. An exemption granted under this section shall be valid for no more than six (6) months. In the event that the owner of the property at the time of the fire who received an exemption under this section should, at any time after the fire, transfer to another person any ownership interest in the subject property, the exemption under this section is immediately void and any new owner(s) shall be responsible for paying any required vacant building fees.

Buildings owned by the Olmsted County Housing and Redevelopment Authority (OCHRA). Buildings owned by the HRA are regularly monitored and maintained by the County. Therefore, these buildings are exempt from the registration requirements outlined in Sect. 7-14-6.

Section 7-14-8. Inspections.

The code official, or any duly authorized individual, shall inspect any premises in the city for the purpose of enforcing and assuring compliance with the provisions of this chapter. Upon the request of the code official, an owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection.

Section 7-14-9. Vacant property registry.

The Community Development Department shall maintain a current registry, updated monthly of all vacant properties which have become known to the code official, ~~as well as a registry of all previously declared vacant properties which are no longer subject to the provisions of this chapter~~. The vacant property registry shall be public as and to the extent provided by law. A copy of the registry shall be available for review via a Data Request online. ~~in the office of Development Services and Infrastructure Center as the case may be.~~

Section 7-14-10. Collection of unpaid fees.

1. Written notice.
    a. Written notice of fees. The Department of Community Development shall, in addition to any other action the department may undertake, serve written notice of the fees in conformance with the requirements set forth in this chapter.
    b. Notice for collection of fees shall include the amount of the vacant building fee that is the responsibility of the building owner and a statement that the fee shall be paid within the time period(s) identified in the notice.
2. Fee and liability. The City shall be entitled to collect the costs of vacant building registration and monitoring. The fees associated with the vacant building program shall be a debt owed to the city and unpaid costs shall be collected by special assessment under the authority in Minnesota Statutes. Action under this section does not preclude any other civil or criminal enforcement procedure. Failure to pay fees is committing a misdemeanor that is punishable by fine up to $1,000.00 and/or 90 days in jail.

Section 7-14-11. Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource. A vacant building or structure must comply with Section 4-6-4.

Section 7-14-12. Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 7-15-6 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner’s authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

Section 7-14-13. Notice.

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 7-6-9.

1. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 7-6-10.

Section 7-14-14. Placarding.

Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

Section 7-14-15. Placard removal.

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the written approval of the code official is committing a misdemeanor that is punishable by fine up to $1,000.00 and/or 90 days in jail. ~~is in violation of this code and shall be subject to legal action of up to a $1,000 fine, 90 days in jail, or both.~~

Section 7-14-16. Prohibited occupancy.

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

Section 7-14-17. Abatement methods.

The owner, owner’s authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. Written permission must be gained by the code official before abatement methods may begin to clarify the timing and party conducting abatement methods.

Section 7-14-18. Record.

The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

Section 7-14-19. Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Section 7-14-20. Temporary safeguards.

Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

Section 7-14-21. Closing streets.

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

Section 7-14-22. Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

Section 7-14-23. Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

Section 7-14-24. Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

Section 7-14-25. Notices and orders.

Notices and orders shall comply with Sections 7-6-9 through 7-6-10.

Section 7-14-26. Failure to comply.

If the owner of a premises or owner’s authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 7-14-27. Salvage materials.

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

Section 7-14-28. Authority.

Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

Section 7-14-29. Issuance.

A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

Section 7-14-30. Emergencies.

Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Section 7-14-31. Failure to comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to an administrative fine of $90.00 for all contract work arranged by the Department of Community Development for the abatement of a public health or safety hazard, including, but not limited to, Sections 7-11 through 7-12. The administration fee will be charged to the violator in addition to all other costs incurred by the department abating the public health and safety hazard. Furthermore, any code enforcement issues not resolved or repeatedly non-compliant, the property owner is subject to citations as follows: 1st occurrence-$60, 2nd occurrence-$90, 3rd occurrence-$120. Failure to comply is committing a misdemeanor that is punishable by fine up to $1,000.00 and/or 90 days in jail.

CHAPTER 7-15. UNSAFE STRUCTURE

Section 7-15-1. General.

The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure or equipment, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

Section 7-15-2. Unsafe structures.

An unsafe structure is one that is found to be hazardous ~~dangerous~~ to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Section 7-15-3. Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Section 7-15-4. Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Section 7-15-5. Unlawful structure.

An unlawful structure is one found in whole or in part to be overcrowded if occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

Section 7-15-6. Hazardous ~~Dangerous~~ structure or premises.

For this code, any structure or premises that has any or all the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or maintained in violation of any specific requirements or prohibition applicable.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

Section 7-15-7. Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 7-15-6 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

Section 7-15-8. Notice.

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 7-6-9.

1. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 7-6-10.

Section 7-15-9. Placarding.

Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

Section 7-15-10. Placard removal.

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the written approval of the code official is committing a misdemeanor that is punishable by fine up to $1,000.00 and/or 90 days in jail. ~~is in violation of this code and shall be subject to legal action of up to a $1,000 fine, 90 days in jail, or both.~~

Section 7-15-11. Prohibited occupancy.

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

DRAFT

A.4

REQUEST FOR ACTION

Any Path Home Program Update

MEETING DATE:
March 9, 2026

ORIGINATING DEPT:
City Administration

AGENDA SECTION:
Presentation Items

PRESENTER:
Council Member Dan Doering

Report Narrative:

Any Path Home is a joint initiative of ten organizations committed to ending homelessness. Following the adoption of the Charter Agreement, the initiative has moved into implementation and is formalizing governance, partner roles, and coordinated practices.

The presentation will provide an overview of current program status, system structure, and the proposed roles of the City and County moving forward, including establishment of an Any Path Home Coordinator position approved by Olmsted County in February 2026.

Priorities & Foundational Principles:

Housing Access

Prepared By:

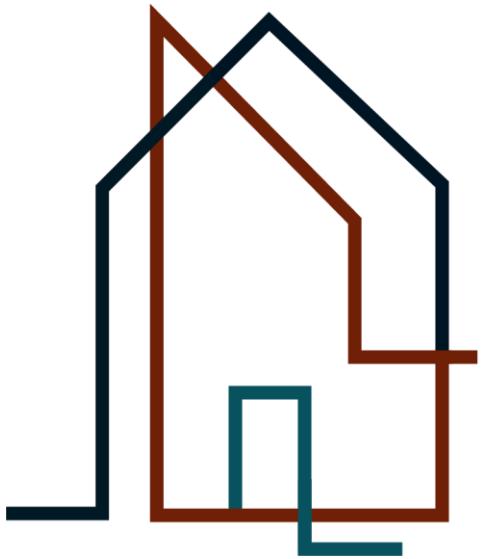
Jessica Schuler

Attachments:

Presentation - Any Path Home Update

Exhibit - Any Path Home Charter 2026

Exhibit - Any Path Home Snapshot Feb 2026



ANY PATH
HOME

“A Community Initiative to Ensure Everyone in Olmsted County Has a Home”

2025 Progress Report



Leadership Council Formalized



Operationalized Work Groups



Implemented APH Case Conferencing with Olmsted County specific By Name List

Decision Making Priorities

Charter and By Law Support

Signifies mission alignment

Clarifies Any Path Home Structure

Decision making process and authority

Leadership Council Recommendation of City and County Roles moving forward

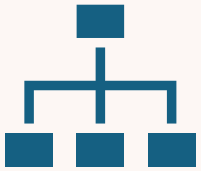
New Any Path Home Charter Agreement



Framework

Shared purpose

Core Values



Structure and decision making



Member responsibilities

Olmsted County Homeless Response System Structure

Leadership Council	Steering Committee (agency leadership)	Case Conferencing Workgroup (Case Managers, Social Workers)
• **Oversight entity for Any Path Home**	• **Operations of Direct Service Agencies**	• **Connect individuals to housing options**
Public Space Solutions (business, shelter, outreach,law enforcement)	**Community Alliance**	**Community Members (non-direct service partners)**
• **Include community insights from businesses, law enforcement, lived expertise, outreach, and shelter providers**	• **Share updates with community members**	• **Connecting non-direct service partners to the APH initiative**

Olmsted County Homeless Response System Key Components

Identify

- Who is experiencing homelessness
- What are their needs for sustainable housing

Connect

- What action steps need to happen
- Who is the right agency/case worker

Match

- What other supports are needed within housing
- Who else needs to be involved

Role of Lived Expertise/TABLE Representation



Prioritizes making decisions “with” instead of “for”



Identifies gaps/challenges as lived expertise of navigating the system previously

How Does It All Work Together? A Case Study

Leadership Council Recommendation of City and County Roles moving forward



City and County Responsibilities

Proposed City Role

- **<u>The City of Rochester</u>** serves as the communication support organization for Any Path Home. This includes:
  - Community relations and communication about Any Path Home
  - Develop and implement communication strategies around progress

Implementing the City role

- Leadership Council Chair
- Community spokesperson for Any Path Home
  - Utilizing City Communications department to aid in the work

Proposed County Role

- **Operational Support :** Olmsted County serves as the operational support organization for Any Path Home. This includes:
  - Providing coordination and administrative support
  - Supporting data infrastructure and systems alignment
  - Facilitating communication across partners

Implementing the County role

- Created Any Path Home Coordinator position
  - Ensure accurate data management
  - Coordinate Case Conferencing Workgroup
  - Facilitate Property Manager Engagement
  - Supervise Outreach Team
  - Approved by the County in February 2026, moving towards hiring this position

ANY PATH HOME

Collective Impact Charter

Purpose of the Charter

This charter is intended to provide a clear, concise understanding of what Any Path Home is, why it exists, and how charter members work together toward a shared goal.

Shared Purpose

A community working together to ensure that *everyone in Olmsted County has a home*.

Initiative Overview

Any Path Home is a countywide collective impact initiative designed to prevent and end homelessness in Olmsted County. The initiative brings together public agencies, nonprofit organizations, people with lived expertise, and community charter members to align efforts, share responsibility, and improve housing outcomes for people experiencing homelessness, with a clear focus on those in literal homeless situations.

Ending homelessness in Olmsted County means we have a unified homeless response system that brings together national best practices to identify housing solutions, assist with documenting client needs, and provide housing for people experiencing homelessness so that it's rare, brief, and non-occurring.

We achieve this when nobody is experiencing long term homelessness in Olmsted County. Additionally, everyone experiencing homelessness is identified and connected to the Any Path Home By Name List within 30 days of first entry.

Core Values-What We Believe

Any Path Home pursues our shared purpose by adhering to best practices, and shared values that guide system-wide coordination, decision-making, and collective action.

- Housing is a right, not a privilege
- Ending homelessness benefits everyone
- Homelessness is a systems failure (social system, government system, financial system, etc.), and the burden of the solution should fall back on these systems
- Collaboration and partnership are essential to effective solutions
- Diversity of experience and influence strengthens our collective impact

Guiding Principles-How We Operate

Any Path Home exists to:

- Create a coordinated, equitable response to homelessness in Olmsted County

- Align systems, resources, and strategies toward our shared purpose
- Improve outcomes by sharing data and ensuring accountability
- Strengthen collaboration across housing, shelter, outreach, and supportive services

The initiative is grounded in the belief that every path to housing matters, and that progress requires shared ownership, transparency, and sustained collaboration.

Collective Impact Framework

Any Path Home operates using a collective impact model. The foundation of these are the following five conditions:

1. **Shared Purpose**

   All charter members align to a common purpose: Everyone in Olmsted County has a home. This shared purpose guides decision-making, resource allocation, and system design.

2. **Aligned Approach**

   Charter members contribute through actions and activities that are equitable and aligned to the shared purpose. Each organization maintains its own mission and programs while intentionally coordinating efforts to strengthen the overall system response.

3. **Shared Data and Measurement**

   Charter members participate in shared data practices to inform decision-making and track progress, including:

   - Use of HMIS (Homeless Management Information System) and/or other appropriate data sets
   - Maintenance of an Olmsted County By-Name List of people experiencing homelessness
   - Coordinated efforts to move people from the By Name List into housing
   - Ongoing work both upstream and downstream to prevent housing loss and support housing stability

   Shared measurement allows the collective to identify gaps, adjust strategies, and improve outcomes over time.

4. **Continuous Communication**

   Regular, transparent communication supports trust, alignment, and learning across charter members. Communication occurs through structured meetings, workgroups, and

community updates to ensure consistent understanding of priorities, progress, and challenges.

5. **Backbone Support**

   Olmsted County serves as the operational support organization for Any Path Home. This includes:

   - Providing coordination and administrative support
   - Supporting data infrastructure and systems alignment
   - Facilitating communication across charter members
   - Advancing shared strategies and accountability

   The City of Rochester serves as the communication support organization for Any Path Home. This includes:

   - Engaging in community relations and communication about Any Path Home
   - Developing and implementing communication strategies around progress
   - Advancing shared strategies and accountability frameworks

Governance and Structure

Any Path Home uses a shared governance structure to guide strategy, decision-making, and accountability.

Leadership Council

The Leadership Council brings together public, private, and non-profit sector leaders along with people with lived expertise. The Leadership Council serves as the primary decision-making body, providing overall direction and oversight for the initiative, as well as spearheading efforts for securing collective funding opportunities. The Council considers input from committees and workgroups when making decisions that affect the system as a whole.

The Any Path Home Leadership Council follows formal by-laws that highlight specific requirements for Leadership Council members. Members of the Leadership Council should include the following:

- Representation of one member of the Olmsted County Board of Commissioners and the Rochester City Council
- People with lived expertise of experiencing homelessness
- Agencies serving people experiencing homelessness
- Community leaders

Committees and Workgroups

Along with the Leadership Council, workgroups and committees will provide support to inform the decision-making process. Committees and workgroups that support implementation and inform decision-making, may include:

- **Steering Committee:** Member agency leadership responsible for identifying resources needed to build an effective response system and providing accountability for people and program outcomes.
- **Case Conferencing Workgroup:** Direct service staff responsible for overseeing the by-name list and coordinating pathways to housing.
- **Community Alliance:** A forum to share updates with the broader community and engage in learning and connection around homelessness.
- **Public Space Solutions:** Collaboration of business, law enforcement, shelter providers, people with lived expertise, and local government representation to develop solutions around population challenges in the City of Rochester that will decrease unsheltered homelessness.
- **Other:** Timebound or ongoing groups focused on specific strategies or priority areas as identified by the Leadership Council.

Membership and Participation

Membership in Any Path Home is open to organizations serving people experiencing homelessness and organizations that believe in the core value and mission of Any Path Home.

Charter membership is offered in two categories:

Direct Service Agency Membership:

Direct Service Agency members have programming focused specifically on people experiencing homelessness, and staffing dedicated directly to this population that is specific to the Any Path Home mission. These members are expected to contribute, have decision-making authority or access, and participate in workgroups as aligned. Members commit to:

- Engaging authentically in meetings and collaborative efforts
- Consistently sharing data through HMIS and/or the By-Name List
- Upholding the values, principles, and practices outlined above

- Supporting system improvements and collective decision-making
- Providing operational capacity to move the Any Path Home initiative forward through staffing, programming, or services.
- Sharing information about participating agency operations that impact the APH ecosystem

Direct Service Agency Membership Benefits

Direct Service Agency members will have:

- Access to real time data and information reflecting the collective impact of Any Path Home
- Opportunities to be recognized as charter members and use the Any Path Home logo
- Opportunities to apply collectively for grants or receive letters of support for funding efforts

Community Membership:
Organizations that have core value alignment and a desire to see the mission of Any Path Home executed. Community Members commit to:

- Engaging authentically in meetings and collaborative efforts as applicable
- Demonstrating core value and practice alignment with Any Path Home efforts

Community Membership Benefits

Community Members will have:

- Access to updates reflecting the collective impact of Any Path Home
- Opportunities to be recognized as charter members and use the Any Path Home logo



Collective Impact Charter

Agency Participation Addendum

This addendum outlines expectations for organizations choosing to participate in Any Path Home. This includes members that execute programming focused specifically on people experiencing homelessness, and staffing dedicated directly to this population that is specific to the Any Path Home mission. These members are expected to contribute, have decision-making authority or access, and participate in workgroups as aligned.

Members commit to:

- Engaging authentically in meetings and collaborative efforts
- Consistently sharing data through HMIS and the By Name List
- Upholding the values, principles, and practices outlined above
- Supporting system improvements and collective decision-making
- Providing operational capacity to move the Any Path Home initiative forward through staffing, programming, or services.
- Sharing information about agency operations that impact the APH ecosystem

Participation Expectations

Participating agencies agree to:

- Attend at least 75 percent of required meetings annually
- Participate in shared planning and system design efforts
- Engage in continuous improvement to strengthen outcomes for people experiencing homelessness

Data Participation

- Agencies agree to participate in HMIS or other data collection models and contribute to shared data efforts, including the by-name list, in accordance with applicable privacy and data-sharing requirements.
- Utilize shared data to support coordinated housing placement and system improvement
- Report outcomes tied to funding when applicable

Membership Benefits

Participating members will have:

- Access to real time data and information reflecting the collective impact of Any Path Home
- Opportunities to be recognized as charter members and use the Any Path Home logo

- Opportunities to apply collectively for grants or receive letters of support for funding efforts

Funding Eligibility

Participation in Any Path Home makes agencies eligible, but does not guarantee selection, for:

- Collective grants
- Pilot or demonstration funding

Funding decisions will align with shared goals, outcomes, and system priorities.

Communications and Media

Participating agencies agree that Any Path Home may:

- Use agency logos for collective materials
- Speak collectively to media on behalf of the initiative
- Share high-level stories, outcomes, and system updates without prior agency approval

People participant stories require agency consent and must follow applicable confidentiality and privacy requirements.

Commitment to the Collective

By signing this Any Path Home Agency Participation Addendum, agencies affirm their commitment to the shared purpose, collective impact approach, and collaborative responsibilities outlined in this addendum.

Any Path Home Leadership Council reserves the right to discontinue membership if participating agency is no longer able to fulfill commitments.

_____ _____

Participating Agency Date

ANY PATH HOME

FEBRUARY 2026

A SNAPSHOT OF THOSE EXPERIENCING HOMELESSNESS IN OLMSTED COUNTY

268 SINGLE ADULTS IDENTIFIED AS CURRENTLY EXPERIENCING HOMELESSNESS IN OLMSTED COUNTY

1 IN 2 PEOPLE HAVE A DISABLING CONDITION

**MENTAL HEALTH, PHYSICAL, SUBSTANCE ABUSE, CHRONIC HEALTH*

3.35 AVERAGE NUMBER OF CYCLES OF HOMELESSNESS EXPERIENCED THE LAST 3 YEARS

43% OF PEOPLE ARE WOMEN

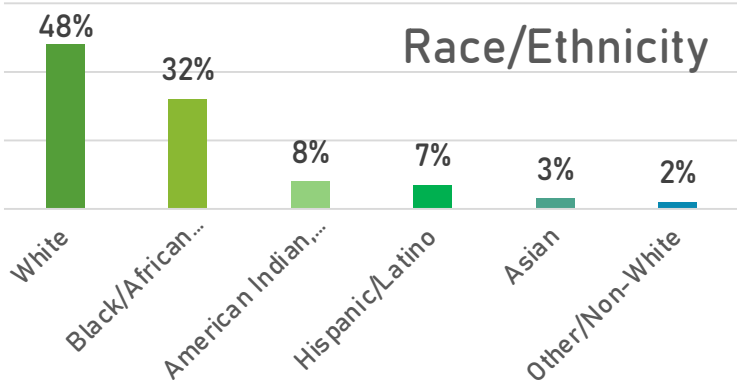
48% OF PEOPLE HAVE CO-OCCURING DISABILING CONDITIONS

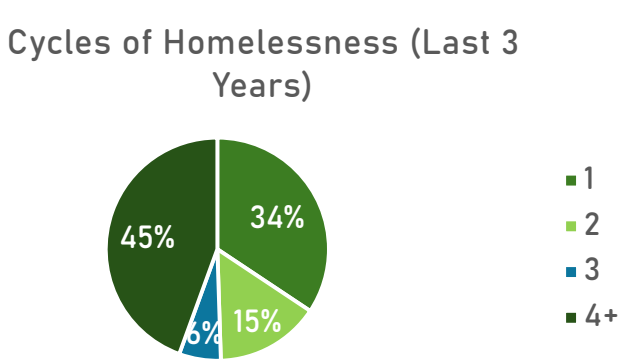
25% OF PEOPLE HAVE A SUBSTANCE ABUSE DISORDER

**that reported a disabling condition*

47% OF PEOPLE HAVE A MENTAL HEALTH DISABLING CONDITION

**that reported a disabling condition*

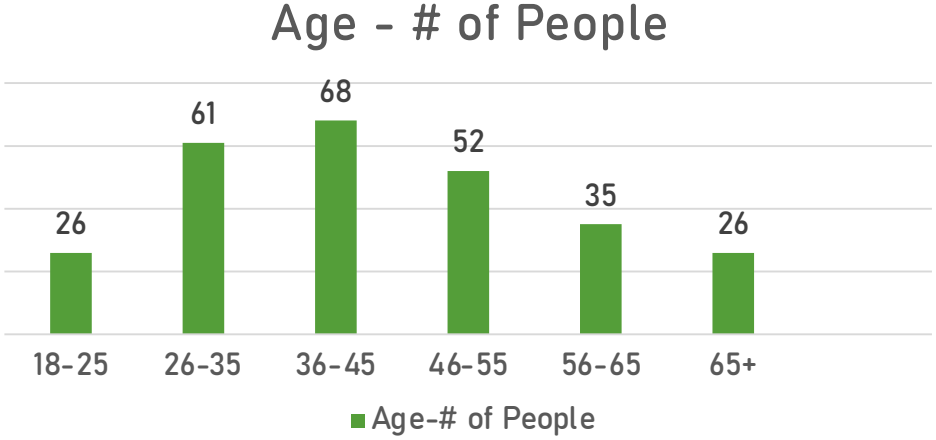




1 **OVER HALF** OF PEOPLE ON THE BY NAME LIST ARE FROM THE BIPOC COMMUNITY

**AS COMPARED TO 20% OF GENERAL POPULATION*

2 THE YOUNGEST PERSON ON THE LIST IS **18**, THE OLDEST PERSON IS **76.**



A.5

REQUEST FOR ACTION

Study Session Schedule

MEETING DATE:
March 9, 2026

ORIGINATING DEPT:
City Administration

AGENDA SECTION:
Presentation Items

PRESENTER:
Alison Zelms

Report Narrative:
The Study Session Schedule as of March 3, 2026

Priorities & Foundational Principles:
Quality Services for Quality Living

Prepared By:
Emily Blahnik

Attachments:
Study Session Calendar as of March 3, 2026

Study Session Calendar

	Topic	Estimated Time in Minutes	Meeting Location	Responsible Department	Meeting Date
1	**Study Session (0 Minutes Available)**		Council Chambers		03/23/26
2	City Council Learning Session	120	Rochester Sports Center All American Room	Administration	03/23/26
3	**Council Meeting**		Council Chambers		04/06/26
4	**Study Session (0 Minutes Available)**		Council Chambers		04/13/26
5	Natural Gas Franchise Fee Engagement	60	Council Chambers	Public Works	04/13/26
6	Transformational Capital projects	60	Council Chambers	Administration	04/13/26
7	Factors Influencing the Supplemental Budget	60	Council Chambers	Administration	04/13/26
8	**Council Meeting**		Council Chambers		04/20/26
9	**Study Session (0 Minutes Available)**		Council Chambers		04/27/26
10	RCTC and City Rochester Regional Sports Center Partnership	60	Council Chambers	Administration	04/27/26
11	Comprehensive Surface Water Management Plan	60	Council Chambers	Public Works	04/27/26
12	UMR Campus Expansion Vision and Plan	60	Council Chambers	Administration	04/27/26
13	**Council Meeting**		Council Chambers		05/04/26
14	**Study Session (0 Minutes Available)**		Council Chambers		05/11/26
15	City Council Bus Tour	180	Council Chambers	Administration	05/11/26
16	**Council Meeting**		Council Chambers		05/18/26
17	**Study Session (60 Minutes Available)**		Council Chambers		05/27/26
18	Stormwater Water Quality Credit Trading Program	60	Council Chambers	Public Works	05/27/26
19	Disconnected Parcel/Trail Gap Analysis	60	Council Chambers	Public Works	05/27/26
20	**Council Meeting**		Council Chambers		06/01/26
21	**Study Session (120 Minutes Available)**		Council Chambers		06/08/26
22	2026 Legislative Session Update	60	Council Chambers	Administration	06/08/26
23	**Council Meeting**		Council Chambers		06/15/26
24	**Study Session (60 Minutes Available)**		Council Chambers		06/22/26
25	DEI 5-Year Update	60	Council Chambers	Administration	06/22/26
26	Tax Increment Financing Update	60	Council Chambers	Administration	06/22/26
27	**Council Meeting**		Council Chambers		07/06/26
28	**Study Session (30 Minutes Available)**		Council Chambers		07/13/26
29	Fee Schedule and 2027 Supplemental Baseline Budget	90	Council Chambers	Administration	07/13/26
30	Audit	60	Council Chambers	Administration	07/13/26
31	**Council Meeting**		Council Chambers		07/20/26
32	**Study Session (0 Minutes Available)**		Council Chambers		07/27/26
33	Disposition of City Real Estate Update	45	Council Chambers	Administration	07/27/26

	Topic	Estimated Time in Minutes	Meeting Location	Responsible Department	Meeting Date
34	RPU Water Supply Plan Update	75	Council Chambers	RPU	07/27/26
35	RPU Power Supply Plan Update	60	Council Chambers	RPU	07/27/26
36	**Council Meeting**		Council Chambers		08/03/26
37	**Study Session (135 Minutes Available)**		Council Chambers		08/10/26
38	Action Plan Update	45	Council Chambers	Administration	08/10/26
39	**Council Meeting**		Council Chambers		08/17/26
40	**Study Session (0 Minutes Available)**		Council Chambers		08/24/26
41	City Administrator's Recommended Supplemental Budget	180	Council Chambers	Administration	08/24/26
42	**Council Meeting**		Council Chambers		09/09/26
43	**Study Session (0 Minutes Available)**		Council Chambers		09/14/26
44	City Administrator's Recommended Supplemental Budget	180	Council Chambers	Administration	09/14/26
45	**Council Meeting**		Council Chambers		09/21/26
46	**Study Session (180 Minutes Available)**		Council Chambers		09/28/26
47	**Council Meeting**		Council Chambers		10/05/26
48	**Study Session (135 Minutes Available)**		Council Chambers		10/12/26
49	RPU Electric Line Extension & Water Development Fees (preview for 2027)	45	Council Chambers	RPU	10/12/26
50	**Council Meeting**		Council Chambers		10/19/26
51	**Study Session (180 Minutes Available)**		Council Chambers		10/26/26
52	**Council Meeting**		Council Chambers		11/02/26
53	**Study Session (120 Minutes Available)**		Council Chambers		11/09/26
54	2027 Legislative Priorities	60	Council Chambers	Administration	11/09/26
55	**Council Meeting**		Council Chambers		11/16/26
56	**Study Session (180 Minutes Available)**		Council Chambers		11/23/26
57	**Council Meeting**		Council Chambers		12/07/26
58	**Council Meeting**		Council Chambers		12/14/26