

Minimum Building Occupancy Standards

The City Council of Springfield, Minnesota ordains as follows:

20.1 Section 1. Purpose. The purpose of this ordinance is to protect the public health, safety, and the general welfare of the people of this city. The general objectives include, among others, the following:

1. To preserve the value of land and buildings throughout the City;
2. To protect the character and stability of all buildings and property within the city;
3. To correct and prevent conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health, including the physical, mental and social well-being of persons occupying buildings in the city;
4. To prevent the overcrowding of dwellings by providing space standards per occupant for each dwelling;
5. To provide minimum standards for the maintenance of existing buildings, and to thus prevent slums or blight.

20.2 Section 2. Definitions.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

COMPLIANCE OFFICIAL: City Manager.

DWELLING UNIT: A single residential accommodation which is arranged, designed, used, or if vacant, intended for use exclusively as a domicile for one family. Where a private garage is structurally attached, it shall be considered as part of the building in which the dwelling unit is located.

FAMILY: One or more persons each related to the other by blood, marriage, or adoption, or a group of not more than four persons not all so related, maintaining a common household in a dwelling unit and using common cooking and kitchen facilities.

HABITABLE ROOM: A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements (those without required ventilation, required electrical outlets and required exit facilities), pantries, utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways,

closets, storage spaces, workshops, and hobby and recreation areas in parts of the structure below ground level or in attics.

OCCUPANT: Any person (including an owner or operator) occupying any structure, building or part thereof, dwelling, dwelling unit, rooming unit or premise.

PERSON: An individual, firm, partnership, association, corporation, joint venture or organization of any kind.

REPAIR: to restore to a sound and acceptable state of operation, serviceability or appearance.

ROOMING UNIT: Any room or group of rooms forming a single habitable unit used for living or sleeping but not for cooking and eating purposes.

SAFETY: The condition of being reasonably free from danger and hazards that may cause accidents and diseases.

20.3 Section 3. Permissible Occupancy per Dwelling Unit.

A. The maximum permissible occupancy of any dwelling unit shall be determined as follows:

1. For the first occupant, 350 square feet of habitable room floor space and for every additional occupant thereof, at least 200 square feet of habitable room floor space.
2. In no event shall the total number of occupants exceed two times the number of habitable rooms, less kitchen, in the dwelling unit.
3. Not more than one family, except for temporary guests, shall occupy a dwelling unit.
4. No owner or person shall occupy or let another person occupy any building, unless it and the premises are clean, sanitary, fit for human occupancy and comply with all applicable legal requirement of the State of Minnesota and the City of Springfield.

B. Basements are not permissible for living. Unfinished basements shall not be occupied for the purpose of living.

20.04 Section 4. Responsibility of Owners. No owner or person shall occupy or let another person occupy any building unless the habitable space per occupant complies with the terms of this ordinance.

20.05 Section 5. Maintenance Standards. The owner and occupant of a property shall keep and maintain the property in compliance with the following requirements:

A. Exterior property areas. Exterior property areas, which means all areas of a property which are exterior and not related to any portion of a building, structure, or accessory structure located on the property, shall be maintained as follows:

1. The exterior property areas shall be kept and maintained in a clean, safe, and sanitary condition.
2. The property shall be graded and maintained to prevent the erosion of soil and accumulation of water thereon, or within any building located thereon, except in approved water retention areas.
3. Private sidewalks, driveways, and similar areas shall be kept in good repair and maintained free from hazardous conditions.

B. Driving and parking areas. The owner of a building shall be responsible for maintaining in good condition, delineated parking areas and driveways. No parking shall be permitted in the front setback (front yard) unless it is an approved driveway or parking area. Exemption: during snowfall or snow removal.

C. Exterior of buildings, structures, and accessory structures. The exterior of any building, structure, or accessory structure shall be maintained in good repair so as not to pose a threat to public health, safety, or general welfare.

1. Exterior surfaces. Exterior wood surfaces shall be protected from the elements and decay by maintained paint, stain or other protective covering or treatment. Peeling, flaking and chipped paint shall be removed and the surfaces repainted or otherwise covered by other protective wood covering. Joints in siding materials and between siding and other features shall be stabilized and treated to inhibit future rust or corrosion. For purposes of this chapter, if twenty percent (20%) or more of a wall or other surface area, such as; fascia, soffits, rake, has the protective coating peeling, flaking, chipping, or deteriorated, then the wall or surface area shall be restored to a protected condition.

2. Foundations, exterior walls, roofs, and drainage. Exterior walls shall be free from holds, breaks, and loose, missing or rotting materials. The roof and flashing shall be maintained weather-resistant so as not to allow moisture to enter the building. Roof drainage systems shall be maintained in good working order to perform the intended function. Roof water shall not be discharged in a manner that creates a public nuisance.

3. Windows, doors, screens. Every window, exterior door, and other exterior openings, shall be substantially tight and shall be kept in sound condition and

repair. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, wind, vermin, and rodents from entering the building. Every openable window shall be supplied with 16 mesh screens during the insect season and shall be equipped with an approved lock if located less than six feet above grade. Glazing materials with cracks, holes, or similar damage and missing glazing shall be replaced with approved glazing materials.

4. Stairways, decks, porches and balconies, and attachments thereto, shall be maintained structurally sound, in good repair, capable of supporting the imposed loads, able to perform the intended function and maintained weather-resistant.

5. Chimneys, flues, and vents. Chimneys, flues, and vents, and other similar features shall be maintained in good and safe repair and structurally sound. Exposed surfaces of metal or wood shall be maintained and protected from rust or decay according to the requirements of the Chapter.

6. Safety features. Safety features that are placed on property shall be maintained in good condition and repair and structurally sound to perform the intended function.

D. Public or shared areas. Every owner of a building shall maintain in a clean, sanitary, and safe condition the shared or public areas of the building or premises thereof.

E. Occupied areas. All occupants of a building shall maintain in a clean, sanitary and safe condition that part of those parts of the building and premises thereof that they control.

F. Sanitary Maintenance of fixtures and facilities. Every occupant of a building shall keep all supplied fixtures and facilities therein in a clean, sanitary and safe condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

G. Minimum heating capacity and maintenance. In every dwelling unit or rooming unit when the control of the supplied heat is the responsibility of a person other than an occupant, a temperature of at least 68 degrees Fahrenheit shall be maintained 3 feet above the floor.

H. Utilities. Every dwelling shall be serviced by appropriate and necessary utility service. Every dwelling must have an operating and functional water service, sewer service, electrical service and an operational hot water heater. In addition, in the months of October through April, every dwelling shall have an adequate source of heat. Non-structural electric space heaters shall not constitute an adequate source of heat.

It shall be a prima facie violation of this section if any required utility service to an

occupied dwelling unit is shut off for more than two weeks.

20.06 Section 6. Notice and Enforcement.

A. The Compliance Official is authorized to administer and enforce the provisions of this ordinance. The Compliance Official is hereby authorized to cause inspection on a scheduled basis and/or when conditions exist to believe that a violation of this ordinance has been or is being committed. In the case of a violation or suspected violation involving failure to maintain occupied areas or fixtures and facilities in a clean, sanitary or safe condition, the City Health Inspector shall inspect such dwelling for sanitary conditions and send a report to the Compliance Official detailing the non-sanitary conditions of the dwelling and the steps needed to abate such conditions.

B. If the Compliance Official finds that a condition exists which is a violation of any of the provisions of this ordinance, the Compliance Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the Compliance Official has found the building to be in violation of this ordinance with a brief and concise description of the conditions found which constitute a violation.
3. A statement of the action required to be taken as determined by the Compliance Official.
 - a. If the Compliance Official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced within such time (not to exceed 30 days) and completed within such time as the Compliance Official shall determine as reasonable under all circumstances.
 - b. If the Compliance Official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the Compliance Official.
4. Statements advising that if any required repair or demolition work (without vacation being required) is not commenced within the time specified, the Compliance Official:
 - a. Will order the building vacated and posted to prevent further occupancy until the work is completed; and

b. May proceed to cause the work to be done and charge the cost thereof against the property of its owner.

5. Statements advising that any person having record title or legal interest in the building may appeal from the notice and order any actions of the Compliance Official.

C. Any person aggrieved by any notice or order of the compliance Official issued under this Ordinance may file a petition with the City Clerk within ten (10) days after the notice or order.

1. Upon receipt of the petition, the City Clerk shall set a date for a hearing before the City Council and give the petitioner at least five (5) days prior written notice of the date, time, and place of the hearing.

2. At the hearing, the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn. The petitioner may be represented by counsel at his/her expense.

3. The hearing shall be conducted by the City Council. The Council may modify, reverse, or affirm the decision of the Compliance Official upon the same standard set forth in the previous section.

D. Upon the expiration of the time limit to petition the City Council set forth in subsection C of this section or upon a decision by the City Council modifying or affirming the Order of the Compliance Official pursuant to paragraph 3, subsection C of this section, whichever is later, the Compliance Official shall take such action as is necessary to abate the conditions constituting the violation of the provisions of this ordinance, including causing the repair, rehabilitation, vacation or demolition of the building or buildings. Such action shall be taken in the manner as specified in the notice, or as modified by the City Council.

Nothing in this section shall relieve the owner of such building of any liability or costs regarding such repair, rehabilitation, vacation or demolition. Any costs and expenses incurred by the City resulting from the enforcement of this Ordinance will be billed to the property owner. If the property owner fails to pay such costs within 30 days of the date billed, the amount unpaid shall be certified by the City Clerk as an assessment on the property for collection with the real estate taxes on such property in the following year.

E. Violation of any of the maintenance or occupancy standards of this Ordinance shall constitute a misdemeanor on the part of the property owner, and may be prosecuted as such in addition to such other actions as are authorized hereunder to be taken by the City.